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STATE OF NORTH CAROLINA

SESSION LAWS AND RESOLUTIONS

PASSED BY THE

1985 GENERAL ASSEMBLY

AT ITS

FIRST SESSION 1985

BEGINNING ON

TUESDAY, THE FIFTH DAY OF FEBRUARY, A.D. 1985

HELD IN THE CITY OF RALEIGH

ISSUED BY
SECRETARY OF STATE THAD EURE

PUBLISHED BY AUTHORITY

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STATE OF NORTH CAROLINA

PRESIDING OFFICERS OF THE 1985 GENERAL ASSEMBLY

ROBERT B. JORDAN III	President of the Senate	Montgomery
LISTON BRYAN RAMSEY	Speaker of the House of Representatives	Madison

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EXECUTIVE BRANCH

(Offices established by the Constitution, filled by election, and comprising the Council of State)

JAMES G. MARTIN	Governor	Mecklenburg
ROBERT B. JORDAN III	Lieutenant Governor	Montgomery
THAD EURE	Secretary of State	Hertford
EDWARD RENFROW	Auditor	Johnston
HARLAN E. BOYLES	Treasurer	Wake
A. CRAIG PHILLIPS	Superintendent of Public Instruction	Guilford
LACY H. THORNBURG	Attorney General	Jackson
JAMES A. GRAHAM	Commissioner of Agriculture	Rowan
JOHN C. BROOKS	Commissioner of Labor	Wake
JAMES A. LONG	Commissioner of Insurance	Alamance

The political affiliation of each legislator and member of the Council of State listed on this and the following pages is Democratic unless designated Republican by the abbreviation (R).

G.S. 147–16.1 authorizes publication of Executive Orders of the Governor in the Session Laws of North Carolina. Executive Orders from Governor Martin are carried in the appendix to this volume.

1985 GENERAL ASSEMBLY

SENATE OFFICERS

Name	*Position*	*Address*
ROBERT B. JORDAN III	President	Mt. Gilead
J. J. HARRINGTON	President Pro Tempore	Lewiston-Woodville
KENNETH C. ROYALL, JR.	Majority Leader	Durham
SYLVIA M. FINK	Principal Clerk	Raleigh
LEROY CLARK, JR.	Reading Clerk	Wendell
GERDA B. PLEASANTS	Sergeant-at-Arms	Cary

SENATORS

District	Name	County	Address
1	MARC BASNIGHT	Dare	Manteo
2	J. J. HARRINGTON	Bertie	Lewiston-Woodville
3	JOSEPH E. THOMAS	Craven	Vanceboro
4	A. D. GUY	Onslow	Jacksonville
5	HAROLD W. HARDISON	Lenior	Deep Run
6	R. L. MARTIN	Pitt	Bethel
7	J. A. WRIGHT (R)*	New Hanover	Wilmington
8	HENSON P. BARNES	Wayne	Goldsboro
9	THOMAS F. TAFT	Pitt	Greenville
10	JAMES EZZELL	Nash	Rocky Mount
11	JAMES D. SPEED	Franklin	Louisburg
12	ANTHONY E. RAND	Cumberland	Fayetteville
12	LURA TALLY	Cumberland	Fayetteville
13	KENNETH C. ROYALL, JR.	Durham	Durham
13	RALPH A. HUNT	Durham	Durham
14	JOSEPH E. JOHNSON	Wake	Raleigh
14	WILMA C. WOODARD	Wake	Garner
14	WILLIAM W. STATON	Lee	Sanford
15	ROBERT D. WARREN	Johnston	Benson
16	WANDA H. HUNT	Moore	Pinehurst
16	RUSSELL G. WALKER	Randolph	Asheboro
17	J. RICHARD CONDER	Richmond	Rockingham
17	AARON W. PLYLER	Union	Monroe
18	R. C. SOLES, JR.	Columbus	Tabor City
19	ROBERT G. SHAW (R)	Guilford	Greensboro
20	TED KAPLAN	Forsyth	Winston-Salem
20	MARVIN WARD	Forsyth	Winston-Salem
21	JOHN M. JORDAN	Alamance	Saxapahaw
22	JAMES C. JOHNSON, JR. (R)	Cabarrus	Concord
23	PAUL S. SMITH (R)	Rowan	Salisbury
23	ROBERT V. SOMERS (R)	Rowan	Salisbury
24	WILLIAM D. GOLDSTON, JR.	Rockingham	Eden
24	WELDON R. PRICE	Rockingham	Reidsville
25	OLLIE HARRIS	Cleveland	Kings Mountain
25	HELEN RHYNE MARVIN	Gaston	Gastonia
25	MARSHALL A. RAUCH	Gaston	Gastonia
26	T. CASS BALLENGER (R)	Catawba	Hickory
26	WILLIAM W. REDMAN, JR. (R)	Iredell	Statesville
27	DONALD R. KINCAID (R)	Caldwell	Lenior
27	DANIEL REID SIMPSON (R)	Burke	Morganton
28	ROBERT S. SWAIN	Buncombe	Asheville
28	DENNIS WINNER	Buncombe	Asheville
29	CHARLES W. HIPPS	Haywood	Waynesville
29	R. P. THOMAS	Henderson	Hendersonville
30	DAVID RUSSELL PARNELL	Robeson	Parkton
31	WILLIAM N. MARTIN	Guilford	Greensboro
32	WENDELL H. SAWYER	Guilford	Greensboro
33	MELVIN L. WATT	Mecklenburg	Charlotte
34	JAMES D. MCDUFFIE (R)	Mecklenburg	Charlotte
35	LAURENCE A. COBB (R)	Mecklenburg	Charlotte

* Franklin E. Williams, Sr. was appointed by Governor Martin 6/4/85, to replace J.A. Wright who resigned effective 6/1/85.

HOUSE OFFICERS

Name	*Position*	*Address*
Liston Bryan Ramsey	Speaker	Marshall
John J. Hunt	Speaker Pro Tempore	Lattimore
Grace A. Collins	Principal Clerk	Fuquay-Varina
Sam J. Burrow, Jr.	Reading Clerk	Cary
Larry P. Eagles	Sergeant-at-Arms	Tarboro

REPRESENTATIVES

District	Name	County	Address
1	Charles D. Evans	Dare	Nags Head
1	Vernon G. James	Pasquotank	Elizabeth City
2	Howard B. Chapin	Beaufort	Washington
3	Gerald L. Anderson	Craven	Bridgeton
3	Chris S. Barker	Craven	New Bern
3	Daniel T. Lilley	Lenoir	Kinston
4	W. Bruce Ethridge	Onslow	Swansboro
4	J. Paul Tyndall	Onslow	Jacksonville
4	Gerald B. Hurst (R)	Onslow	Jacksonville
5	C. Melvin Creecy	Northampton	Rich Square
6	L. M. Brinkley	Hertford	Ahoskie
7	Frank W. Ballance, Jr.	Warren	Warrenton
8	Josephus L. Mavretic	Edgecombe	Tarboro
9	Walter B. Jones, Jr.	Pitt	Farmville
9	Edward N. Warren	Pitt	Greenville
10	Wendell H. Murphy	Duplin	Rose Hill
11	H. Martin Lancaster	Wayne	Goldsboro
11	Charles D. Woodard	Wayne	Goldsboro
12	Edd Nye	Bladen	Elizabethtown
12	Murray P. Pool	Sampson	Clinton
13	A. M. Hall	New Hanover	Wilmington
13	Harry E. Payne	New Hanover	Wilmington
14	E. David Redwine	Brunswick	Shallotte
15	Richard Wright	Columbus	Tabor City
16	Daniel H. DeVane	Hoke	Raeford
16	John Calvin Hasty	Robeson	Maxton
16	Sidney A. Locks	Robeson	Lumberton
17	C. R. Edwards	Cumberland	Fayetteville
17	Luther R. Jeralds	Cumberland	Fayetteville
18	R. D. Beard	Cumberland	Fayetteville
18	William E. Clark	Cumberland	Fayetteville
18	Henry M. Tyson	Cumberland	Fayetteville
19	Bob R. Etheridge	Harnett	Lillington
19	Dennis A. Wicker	Lee	Sanford
20	George W. Brannan	Johnston	Smithfield
20	Barney Paul Woodard	Johnston	Princeton
21	Daniel T. Blue, Jr.	Wake	Raleigh
22	John T. Church	Vance	Henderson
22	James W. Crawford, Jr.	Granville	Oxford
22	William T. Watkins	Granville	Oxford
23	H. M. Michaux, Jr.	Durham	Durham
24	Anne Barnes	Orange	Chapel Hill
24	Joe Hackney	Orange	Chapel Hill
25	J. Fred Bowman	Alamance	Burlington
25	Bertha M. Holt	Alamance	Burlington
25	Robert L. McAlister	Rockingham	Ruffin
26	Herman C. Gist	Guilford	Greensboro
27	Albert S. Lineberry, Sr.	Guilford	Greensboro
27	Margaret Keesee-Forrester (R)	Guilford	Greensboro
27	Frank J. Sizemore III (R)	Guilford	Greensboro
28	Richard E. Chalk (R)	Guilford	High Point
28	Stephen Wood (R)	Guilford	High Point
29	Michael P. Decker (R)	Forsyth	Walkertown
30	William T. Boyd (R)	Randolph	Asheboro
31	James M. Craven (R)	Moore	Pinebluff
32	Donald M. Dawkins	Richmond	Rockingham
33	Foyle Hightower, Jr.	Anson	Wadesboro
34	Joe R. Hudson	Union	Waxhaw
34	Dwight W. Quinn	Cabarrus	Kannapolis

34	Coy C. Privette (R)	Cabarrus	Kannapolis
34	Timothy N. Tallent (R)	Cabarrus	Concord
35	Charlotte A. Gardner (R)	Rowan	Salisbury
35	Bradford V. Ligon (R)	Rowan	Salisbury
36	Raymond Warren (R)	Mecklenburg	Charlotte
37	Betsy L. Cochrane (R)	Davie	Advance
37	Charles L. Cromer (R)	Davidson	Thomasville
37	Joe H. Hege, Jr. (R)	Davidson	Lexington
38	Harold J. Brubaker (R)	Randolph	Asheboro
39	Ann Q. Duncan (R)	Forsyth	Pfafftown
39	Theresa H. Esposito (R)	Forsyth	Winston-Salem
39	Frank E. Rhodes (R)	Forsyth	Winston-Salem
40	David H. Diamont	Surry	Pilot Mountain
40	James M. Cole (R)	Watauga	Boone
40	J. Marshall Hall (R)	Stokes	King
41	John W. Brown (R)	Wilkes	Elkin
41	George M. Holmes (R)	Yadkin	Yadkinville
42	Lois S. Walker (R)	Iredell	Statesville
43	Robert Brawley (R)	Iredell	Mooresville
44	David W. Bumgardner	Gaston	Belmont
44	David J. Noles (R)	Lincoln	Lincolnton
44	Johnathan L. Rhyne, Jr. (R)	Lincoln	Lincolnton
44	Walter H. Windley III (R)	Gaston	Gastonia
45	Austin M. Allran (R)	Catawba	Hickory
45	Doris R. Huffman (R)	Catawba	Newton
46	Charles F. Buchanan (R)	Mitchell	Green Mountain
46	James F. Hughes (R)	Avery	Linville
46	George S. Robinson (R)	Caldwell	Lenoir
47	Ray C. Fletcher	Burke	Valdese
48	John J. Hunt	Cleveland	Lattimore
48	Edith L. Lutz	Cleveland	Lawndale
48	Charles D. Owens	Rutherford	Forest City
49	Robert C. Hunter	McDowell	Marion
50	Larry T. Justus (R)	Henderson	Hendersonville
51	Marie W. Colton	Buncombe	Asheville
51	Narvel J. Crawford	Buncombe	Asheville
51	Gordon H. Greenwood	Buncombe	Black Mountain
51	Martin L. Nesbitt	Buncombe	Asheville
52	Charles M. Beall	Haywood	Clyde
52	Liston B. Ramsey	Madison	Marshall
53	Jeff H. Enloe, Jr.	Macon	Franklin
54	John B. McLaughlin	Mecklenburg	Newell
55	C. Ivan Mothershead (R)	Mecklenburg	Charlotte
56	Jo Graham Foster	Mecklenburg	Charlotte
57	L. P. Spoon (R)	Mecklenburg	Charlotte
58	Ruth M. Easterling	Mecklenburg	Charlotte
59	James F. Richardson	Mecklenburg	Charlotte
60	Howard C. Barnhill	Mecklenburg	Charlotte
61	Casper Holroyd	Wake	Raleigh
62	J. Raymond Sparrow	Wake	Cary
63	Margaret Stamey	Wake	Raleigh
64	Besty H. Wiser	Wake	Raleigh
65	Aaron E. Fussell	Wake	Raleigh
66	Annie Brown Kennedy	Forsyth	Winston-Salem
67	C. B. Hauser	Forsyth	Winston-Salem
68	W. Paul Pulley	Durham	Durham
69	George W. Miller, Jr.	Durham	Durham
70	Milton F. Finch, Jr.	Wilson	Wilson
71	Larry E. Etheridge (R)	Wilson	Wilson
72	Allen C. Barbee	Nash	Spring Hope

LEGISLATIVE SERVICES COMMISSION

SENATE PRESIDENT PRO TEMPORE J. J. HARRINGTON, *Cochairman*

HOUSE SPEAKER LISTON BRYAN RAMSEY, *Cochairman*

SEN. OLLIE HARRIS
SEN. DAVID R. PARNELL
SEN. AARON W. PLYLER
SEN. KENNETH C. ROYALL, JR.
SEN. WILLIAM W. STATON
SEN. ROBERT S. SWAIN

REP. ALLEN C. BARBEE
REP. DANIEL T. BLUE, JR.
REP. CHARLES D. EVANS
REP. FOYLE HIGHTOWER, JR.
REP. JOHN J. HUNT
REP. WILLIAM T. WATKINS

LEGISLATIVE SERVICES STAFF DIRECTORS

GEORGE R. HALL, Jr. ..... Legislative Administrative Officer
GERRY F. COHEN ..... Director of Legislative Drafting
THOMAS L. COVINGTON ..... Director of Fiscal Research
M. GLENN NEWKIRK ..... Director of Legislative Automated Systems
TERRENCE D. SULLIVAN ..... Director of Research
J. MICHAEL MINSHEW ..... Building Superintendent and Chief of Security

*

PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution.

ARTICLE I

DECLARATION OF RIGHTS

That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare that:

Section 1. *The equality and rights of persons.* We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Sec. 2. *Sovereignty of the people.* All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 3. *Internal government of the State.* The people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right shall be exercised in pursuance of law and consistently with the Constitution of the United States.

Sec. 4. *Secession prohibited.* This State shall ever remain a member of the American Union; the people thereof are part of the American nation; there is no right on the part of this State to secede; and all attempts, from whatever source or upon whatever pretext, to dissolve this Union or to sever this Nation, shall be resisted with the whole power of the State.

Sec. 5. *Allegiance to the United States.* Every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Sec. 6. *Separation of powers.* The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.

Sec. 7. *Suspending laws.* All power of suspending laws or the execution of laws by any authority, without the consent of the representatives of the people, is injurious to their rights and shall not be exercised.

Sec. 8. *Representation and taxation.* The people of this State shall not be taxed or made subject to the payment of any impost or duty without the consent of themselves or their representatives in the General Assembly, freely given.

Sec. 9. *Frequent elections.* For redress of grievances and for amending and strengthening the laws, elections shall be often held.

Sec. 10. *Free elections.* All elections shall be free.

Sec. 11. *Property qualifications.* As political rights and privileges are not dependent upon or modified by property, no property qualification shall affect the right to vote or hold office.

Sec. 12. *Right of assembly and petition.* The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated.

Sec. 13. *Religious liberty.* All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, in any case whatever, control or interfere with the rights of conscience.

Sec. 14. *Freedom of speech and press.* Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse.

Sec. 15. *Education.* The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Sec. 16. *Ex post facto laws.* Retrospective laws, punishing acts committed before the existence of such laws and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, and therefore no ex post facto law shall be enacted. No law taxing retrospectively sales, purchases, or other acts previously done shall be enacted.

Sec. 17. *Slavery and involuntary servitude.* Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibited.

Sec. 18. *Courts shall be open.* All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.

Sec. 19. *Law of the land; equal protection of the laws.* No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

Sec. 20. *General warrants.* General warrants, whereby any officer or other person may be commanded to search suspected places without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and shall not be granted.

Sec. 21. *Inquiry into restraints on liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to

remove the restraint if unlawful, and that remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be suspended.

Sec. 22. *Modes of prosecution.* Except in misdemeanor cases initiated in the District Court Division, no person shall be put to answer any criminal charge but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the General Assembly shall prescribe, waive indictment in noncapital cases.

Sec. 23. *Rights of accused.* In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 24. *Right of jury trial in criminal cases.* No person shall be convicted of any crime but by the unanimous verdict of a jury in open court. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo.

Sec. 25. *Right of jury trial in civil cases.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and shall remain sacred and inviolable.

Sec. 26. *Jury service.* No person shall be excluded from jury service on account of sex, race, color, religion, or national origin.

Sec. 27. *Bail, fines, and punishments.* Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 28. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 29. *Treason against the State.* Treason against the State shall consist only of levying war against it or adhering to its enemies by giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 30. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice.

Sec. 31. *Quartering of soldiers.* No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner prescribed by law.

Sec. 32. *Exclusive emoluments.* No person or set of persons is entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

Sec. 33. *Hereditary emoluments and honors.* No hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

Sec. 34. *Perpetuities and monopolies.* Perpetuities and monopolies are contrary to the genius of a free state and shall not be allowed.

Sec. 35. *Recurrence to fundamental principals.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 36. *Other rights of the people.* The enumeration of rights in this Article shall not be construed to impair or deny others retained by the people.

ARTICLE II

LEGISLATIVE

Section 1. *Legislative power.* The legislative power of the State shall be vested in the General Assembly, which shall consist of a Senate and a House of Representatives.

Sec. 2. *Number of Senators.* The Senate shall be composed of 50 Senators, biennially chosen by ballot.

Sec. 3. *Senate districts; apportionment of Senators.* The Senators shall be elected from districts. The General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the senate districts and the apportionment of Senators among those districts, subject to the following requirements:

(1) Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Senator represents being determined for this purpose by dividing the population of the district that he represents by the number of Senators apportioned to that district;

(2) Each senate district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a senate district;

(4) When established, the senate districts and the apportionment of Senators shall remain unaltered until the return of another decennial census of population taken by order of Congress.

Sec. 4. *Number of Representatives.* The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot.

Sec. 5. *Representative districts; apportionment of Representatives.* The Representatives shall be elected from districts. The General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the representative districts and the apportionment of Representatives among those districts, subject to the following requirements:

(1) Each Representative shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Representative represents being determined for this purpose by dividing the population of the district that he represents by the number of Representatives apportioned to that district;

(2) Each representative district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a representative district;

(4) When established, the representative districts and the apportionment of Representatives shall remain unaltered until the return of another decennial census of population taken by order of Congress.

Sec. 6. *Qualifications for Senator.* Each Senator, at the time of his election, shall be not less than 25 years of age, shall be a qualified voter of the State, and shall have resided in the State as a citizen for two years and in the district for which he is chosen for one year immediately preceding his election.

Sec. 7. *Qualifications for Representative.* Each Representative, at the time of his election, shall be a qualified voter of the State, and shall have resided in the district for which he is chosen for one year immediately preceding his election.

Sec. 8. *Elections.* The election for members of the General Assembly shall be held for the respective districts in 1972 and every two years thereafter, at the places and on the day prescribed by law.

Sec. 9. *Term of office.* The term of office of Senators and Representatives shall commence on the first day of January next after their election.

Sec. 10. *Vacancies.* Every vacancy occurring in the membership of the General Assembly by reason of death, resignation, or other cause shall be filled in the manner prescribed by law.

Sec. 11. *Sessions.*

(1) *Regular Sessions.* The General Assembly shall meet in regular session in 1973 and every two years thereafter on the day prescribed by law. Neither house shall proceed upon public business unless a majority of all of its members are actually present.

(2) *Extra sessions on legislative call.* The President of the Senate and the Speaker of the House of Representatives shall convene the General Assembly in extra session by their joint proclamation upon receipt by the President of the Senate of written requests therefor signed by three-fifths of all the members of the Senate and upon receipt by the Speaker of the House of Representatives of written requests therefor signed by three-fifths of all the members of the House of Representatives.

Sec. 12. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Sec. 13. *President of the Senate.* The Lieutenant Governor shall be President of the Senate and shall preside over the Senate, but shall have no vote unless the Senate is equally divided.

Sec. 14. *Other officers of the Senate.*

(1) *President Pro Tempore - succession to presidency.* The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant Governor-elect to qualify, or upon succession by the Lieutenant Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve until the expiration of his term of office as Senator.

(2) *President Pro Tempore - temporary succession.* During the physical or mental incapacity of the President of the Senate to perform the duties of his office, or during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate.

(3) *Other officers.* The Senate shall elect its other officers.

Sec. 15. *Officers of the House of Representatives.* The House of Representatives shall elect its Speaker and other officers.

Sec. 16. *Compensation and allowances.* The members and officers of the General Assembly shall receive for their services the compensation and allowances prescribed by law. An increase in the compensation or allowances of members shall become effective at the beginning of the next regular session of the General Assembly following the session at which it was enacted.

Sec. 17. *Journals.* Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Sec. 18. *Protests.* Any member of either house may dissent from and protest against any act or resolve which he may think injurious to the public or to any individual, and have the reasons of his dissent entered on the journal.

Sec. 19. *Record votes.* Upon motion made in either house and seconded by one fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journal.

Sec. 20. *Powers of the General Assembly.* Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, and shall prepare bills to be enacted into laws. The two houses may jointly adjourn to any future day or other place. Either house may, of its own motion, adjourn for a period not in excess of three days.

Sec. 21. *Style of the acts.* The style of the acts shall be: "The General Assembly of North Carolina enacts:"

Sec. 22. *Action on bills.* All bills and resolutions of a legislative nature shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.

Sec. 23. *Revenue bills.* No laws shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Sec. 24. *Limitations on local, private, and special legislation.*

(1) *Prohibited subjects.* The General Assembly shall not enact any local, private, or special act or resolution:

(a) Relating to health, sanitation, and the abatement of nuisances;

(b) Changing the names of cities, towns, and townships;

(c) Authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys;

(d) Relating to ferries or bridges;

(e) Relating to non-navigable streams;

(f) Relating to cemeteries;

(g) Relating to the pay of jurors;

(h) Erecting new townships, or changing township lines, or establishing or changing the lines of school districts;

(i) Remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury;

(j) Regulating labor, trade, mining, or manufacturing;

(k) Extending the time for the levy or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability;

(l) Giving effect to informal wills and deeds;

(m) Granting a divorce or securing alimony in any individual case;

(n) Altering the name of any person, or legitimating any person not born in lawful wedlock, or restoring to the rights of citizenship any person convicted of a felony.

(2) *Repeals.* Nor shall the General Assembly enact any such local, private, or special act by partial repeal of a general law; but the General Assembly may at any time repeal local, private, or special laws enacted by it.

(3) *Prohibited acts void.* Any local, private, or special act or resolution enacted in violation of the provisions of this Section shall be void.

(4) *General laws.* The General Assembly may enact general laws regulating the matters set out in this Section.

ARTICLE III

EXECUTIVE

Section 1. *Executive power.* The executive power of the State shall be vested in the Governor.

Sec. 2. *Governor and Lieutenant Governor: election, term, and qualifications.*

(1) *Election and term.* The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) *Qualifications.* No person shall be eligible for election to the office of Governor or Lieutenant Governor unless, at the time of his election, he shall have attained the age of 30 years and shall have been a citizen of the United States for five years and a resident of this State for two years immediately preceding his election. No person elected to the office of Governor or Lieutenant Governor shall be eligible for election to more than two consecutive terms of the same office.

Sec. 3. *Succession to office of Governor.*

(1) *Succession as Governor.* The Lieutenant Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the

term of the Governor whom he succeeds and until a new Governor is elected and qualified.

(2) *Succession as Acting Governor.* During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.

(3) *Physical incapacity.* The Governor may, by a written statement filed with the Attorney General, declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

(4) *Mental incapacity.* The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a joint session of the General Assembly before it takes final action. When the General Assembly is not in session, the Council of State, a majority of its members concurring, may convene it in extra session for the purpose of proceeding under this paragraph.

(5) *Impeachment.* Removal of the Governor from office for any other cause shall be by impeachment.

Sec. 4. *Oath of office for Governor.* The Governor, before entering upon the duties of his office, shall, before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties pertaining to the office of Governor.

Sec. 5. *Duties of Governor.*

(1) *Residence.* The Governor shall reside at the seat of government of this State.

(2) *Information to General Assembly.* The Governor shall from time to time give the General Assembly information of the affairs of the State and recommend to their consideration such measures as he shall deem expedient.

(3) *Budget.* The Governor shall prepare and recommend to the General Assembly a comprehensive budget of the anticipated revenue and proposed expenditures of the State for the ensuing fiscal period. The budget as enacted by the General Assembly shall be administered by the Governor.

The total expenditures of the State for the fiscal period covered by the budget shall not exceed the total of receipts during that fiscal period and the surplus remaining in the State Treasury at the beginning of the period. To insure that the State does not incur a deficit for any fiscal period, the Governor shall continually survey the collection of the revenue and shall effect the necessary economies in State expenditures, after first making adequate provision for the prompt payment of the principal of and interest on bonds and notes of the State according to their terms, whenever he determines that receipts during the fiscal period, when added to any surplus remaining in the State Treasury at the beginning of the period, will not be sufficient to meet budgeted expenditures.

This section shall not be construed to impair the power of the State to issue its bonds and notes within the limitations imposed in Article V of this Constitution, nor to impair the obligation of bonds and notes of the State now outstanding or issued hereafter.

(4) *Execution of laws.* The Governor shall take care that the laws be faithfully executed.

(5) *Commander in Chief.* The Governor shall be Commander in Chief of the military forces of the State except when they shall be called into the service of the United States.

(6) *Clemency.* The Governor may grant reprives, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to regulations prescribed by law relative to the manner of applying for pardons. The terms reprives, commutations, and pardons shall not include paroles.

(7) *Extra sessions.* The Governor may, on extraordinary occasions, by and with the advice of the Council of State, convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

(8) *Appointments.* The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for.

(9) *Information.* The Governor may at any time require information in writing from the head of any administrative department or agency upon any subject relating to the duties of his office.

(10) *Administrative reorganization.* The General Assembly shall prescribe the functions, powers, and duties of the administrative departments and agencies of the State and may alter them from time to time, but the Governor may make such changes in the allocation of offices and agencies and in the allocation of those functions, powers, and duties as he considers necessary for efficient administration. If those changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the General Assembly not later than the sixtieth calendar day of its session, and shall become effective and shall have the force of law upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly.

Sec. 6. *Duties of the Lieutenant Governor.* The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate is equally divided. He shall perform such additional duties as the General Assembly or the Governor may assign to him. He shall receive the compensation and allowances prescribed by law.

Sec. 7. *Other elective officers.*

(1) *Officers.* A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) *Duties.* Their respective duties shall be prescribed by law.

(3) *Vacancies.* If the office of any of these officers is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in this Section. When a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

(4) *Interim officers.* Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.

(5) *Acting officers.* During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to this Section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

(6) *Determination of incapacity.* The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment.

(7) *Special Qualifications for Attorney General.* Only persons duly authorized to practice law in the courts of this State shall be eligible for appointment or election as Attorney General.

Sec. 8. *Council of State.* The Council of State shall consist of the officers whose offices are established by this Article.

Sec. 9. *Compensation and allowances.* The officers whose offices are established by this Article shall at stated periods receive the compensation and allowances prescribed by law, which shall not be diminished during the time for which they have been chosen.

Sec. 10. *Seal of State.* There shall be a seal of the State, which shall be kept by the Governor and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants or commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State of North Carolina," and signed by the Governor.

Sec. 11. *Administrative departments.* Not later than July 1, 1975, all administrative departments, agencies, and offices of the State and their respective functions, powers, and duties shall be allocated by law among and within not more than 25 principal administrative departments so as to group them as far as

practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may, but need not, be allocated within a principal department.

ARTICLE IV

JUDICIAL

Section 1. *Judicial power.* The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a coordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

Sec. 2. *General Court of Justice.* The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division.

Sec. 3. *Judicial powers of administrative agencies.* The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice.

Sec. 4. *Court for the Trial of Impeachments.* The House of Representatives solely shall have the power of impeaching. The Court for the Trial of Impeachments shall be the Senate. When the Governor or Lieutenant Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

Sec. 5. *Appellate division.* The Appellate Division of the General Court of Justice shall consist of the Supreme Court and the Court of Appeals.

Sec. 6. *Supreme Court.*

(1) *Membership.* The Supreme Court shall consist of a Chief Justice and six Associate Justices, but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available may discharge those duties.

(2) *Sessions of the Supreme Court.* The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly.

Sec. 7. *Court of Appeals.* The structure, organization, and composition of the Court of Appeals shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe.

Sec. 8. *Retirement of Justices and Judges.* The General Assembly shall provide by general law for the retirement of Justices and Judges of the General Court of Justice, and may provide for the temporary recall of any retired Justice or Judge to serve on the court or courts of the division from which he was retired. The General Assembly shall also prescribe maximum age limits service as a Justice or Judge.

Sec. 9. *Superior Courts.*

(1) *Superior Court districts.* The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district. Each regular Superior Court Judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district.

(2) *Open at all times; sessions for trial of cases.* The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

(3) *Clerks.* A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held.

Sec. 10. *District Courts.* The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District judges shall be elected for each district for a term of four years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office.

Sec. 11. *Assignment of Judges.* The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court Judges among the various districts of a division is a salutary one and shall be observed. For this purpose the General Assembly may divide the State into a

number of judicial divisions. Subject to the general supervision of the Chief Justice of the Supreme Court, assignment of District Judges within each local court district shall be made by the Chief District Judge.

Sec. 12. *Jurisdiction of the General Court of Justice.*

(1) *Supreme Court.* The Supreme Court shall have jurisdiction to review upon appeal any decision of the courts below, upon any matter of law or legal inference. The jurisdiction of the Supreme Court over "issues of fact" and "questions of fact" shall be the same exercised by it prior to the adoption of this Article, and the Court may issue any remedial writs necessary to give it general supervision and control over the proceedings of the other courts. The Supreme Court also has jurisdiction to review, when authorized by law, direct appeals from a final order or decision of the North Carolina Utilities Commission.

(2) *Court of Appeals.* The Court of Appeals shall have such appellate jurisdiction as the General Assembly may prescribe.

(3) *Superior Court.* Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. The Clerks of the Superior Court shall have such jurisdiction and powers as the General Assembly shall prescribe by general law uniformly applicable in every county of the State.

(4) *District Courts: Magistrates.* The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and Magistrates.

(5) *Waiver.* The General Assembly may by general law provide that the jurisdictional limits may be waived in civil cases.

(6) *Appeals.* The General Assembly shall by general law provide a proper system of appeals. Appeals from Magistrates shall be heard de novo, with the right of trial by jury as defined in this Constitution and the laws of this State.

Sec. 13. *Forms of action; rules of procedure.*

(1) *Forms of Action.* There shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action, and in which there shall be a right to have issues of fact tried before a jury. Every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment thereof, shall be termed a criminal action.

(2) *Rules of procedure.* The Supreme Court shall have exclusive authority to make rules of procedure and practice for the Appellate Division. The General Assembly may make rules of procedure and practice for the Superior Court and District Court Divisions, and the General Assembly may delegate this authority to the Supreme Court. No rule of procedure or practice shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General Assembly should delegate to the Supreme Court the rule-making power, the General Assembly may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court Divisions.

Sec. 14. *Waiver of jury trial.* In all issues of fact joined in any court, the parties in any civil case may waive the right to have the issues determined by a jury, in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

Sec. 15. *Administration.* The General Assembly shall provide for an administrative office of the courts to carry out the provisions of this Article.

Sec. 16. *Terms of office and election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court.* Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and Judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may prescribe.

Sec. 17. *Removal of Judges, Magistrates and Clerks.*

(1) *Removal of Judges by the General Assembly.* Any Justice or Judge of the General Court of Justice may be removed from office for mental or physical incapacity by joint resolution of two-thirds of all the members of each house of the General Assembly. Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least 20 days before the day on which either house of the General Assembly shall act thereon. Removal from office by the General Assembly for any other cause shall be by impeachment.

(2) *Additional method of removal of Judges.* The General Assembly shall prescribe a procedure, in addition to impeachment and address set forth in this Section, for the removal of a Justice or Judge of the General Court of Justice for mental or physical incapacity interfering with the performance of his duties which is, or is likely to become, permanent, and for the censure and removal of a Justice or Judge of the General Court of Justice for wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(3) *Removal of Magistrates.* The General Assembly shall provide by general law for the removal of Magistrates for misconduct or mental or physical incapacity.

(4) *Removal of Clerks.* Any Clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court Judge serving the county. Any Clerk against whom proceedings are instituted shall receive written notice of the charges against him at least ten days before the hearing upon the charges. Any Clerk so removed from office shall be entitled to an appeal as provided by law.

Sec. 18. *District Attorney and Prosecutorial Districts.*

(1) *District Attorneys.* The General Assembly shall, from time to time, divide the State into a convenient number of prosecutorial districts, for each of which a District Attorney shall be chosen for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. Only persons duly authorized to practice law in the courts of this State shall be eligible for election or appointment as a District Attorney. The District Attorney shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney

General may require, and perform such other duties as the General Assembly may prescribe.

(2) *Prosecution in District Court Division.* Criminal actions in the District Court Division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State.

Sec. 19. *Vacancies.* Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 30 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified.

Sec. 20. *Revenues and expenses of the judicial department.* The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds.

Sec. 21. *Fees, salaries, and emoluments.* The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article, but the salaries of Judges shall not be diminished during their continuance in office. In no case shall the compensation of any Judge or Magistrate be dependent upon his decision or upon the collection of costs.

Sec. 22. *Qualification of Justices and Judges.* Only persons duly authorized to practice law in the courts of this State shall be eligible for election or appointment as a Justice of the Supreme Court, Judge of the Court of Appeals, Judge of the Superior Court, or Judge of District Court. This section shall not apply to persons elected to or serving in such capacities on or before January 1, 1981.

ARTICLE V

FINANCE

Section 1. *No capitation tax to be levied.* No poll or capitation tax shall be levied by the General Assembly or by any county, city or town, or other taxing unit.

Sec. 2. *State and local taxation.*

(1) *Power of taxation.* The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away.

(2) *Classification.* Only the General Assembly shall have the power to classify property for taxation, which power shall be exercised only on a State-wide basis and shall not be delegated. No class of property shall be taxed except by uniform rule, and every classification shall be made by general law uniformly applicable in every county, city and town, and other unit of local government.

(3) *Exemptions.* Property belonging to the State, counties, and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding $300, any personal property. The General Assembly may exempt from taxation not exceeding $1,000 in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be made by general law uniformly applicable in every county, city and town, and other unit of local government. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this subsection.

(4) *Special tax areas.* Subject to the limitations imposed by Section 4, the General Assembly may enact general laws authorizing the governing body of any county, city or town to define territorial areas and to levy taxes within those areas, in addition to those levied throughout the county, city, or town, in order to finance, provide, or maintain services, facilities, and functions in addition to or to a greater extent than those financed, provided, or maintained for the entire county, city, or town.

(5) *Purposes of property tax.* The General Assembly shall not authorize any county, city or town, special district, or other unit of local government to levy taxes or property, except for purposes authorized by general law uniformly applicable throughout the State, unless the tax is approved by a majority of the qualified voters of the unit who vote thereon.

(6) *Income tax.* The rate of tax on incomes shall not in any case exceed ten per cent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed.

(7) *Contracts.* The General Assembly may enact laws whereby the State, any county, city or town, and any other public corporation may contract with and appropriate money to any person, association, or corporation for the accomplishment of public purposes only.

Sec. 3. *Limitations upon the increase of State debt.*

(1) *Authorized purposes; two-thirds limitation.* The General Assembly shall have no power to contract debts secured by a pledge of the faith and credit of the State, unless approved by a majority of the qualified voters of the State who vote thereon, except for the following purposes:

(a) to fund or refund a valid existing debt;

(b) to supply an unforeseen deficiency in the revenue;

(c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;

(d) to suppress riots or insurrections, or to repel invasions;

(e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;

(f) for any other lawful purpose, to the extent of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium.

(2) *Gift or loan of credit regulated.* The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except a corporation in which the State has a controlling interest, unless the subject is submitted to a direct vote of the people of the State, and is approved by a majority of the qualified voters who vote thereon.

(3) *Definitions.* A debt is incurred within the meaning of this Section when the State borrows money. A pledge of the faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when the State exchanges its obligations with or in any way guarantees the debts of an individual, association or private corporation.

(4) *Certain debts barred.* The General Assembly shall never assume or pay any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States. Neither shall the General Assembly assume or pay any debt or bond incurred or issued by authority of the Convention of 1868, the special session of the General Assembly of 1868, or the General Assemblies of 1868–69 and 1869–70, unless the subject is submitted to the people of the State and is approved by a majority of all the qualified voters at a referendum held for that sole purpose.

(5) *Outstanding debt.* Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

Sec. 4. *Limitations upon the increase of local government debt.*

(1) *Regulation of borrowing and debt.* The General Assembly shall enact general laws relating to the borrowing of money secured by a pledge of the faith and credit and the contracting of other debts by counties, cities and towns, special districts, and other units, authorities, and agencies of local government.

(2) *Authorized purposes; two-thirds limitation.* The General Assembly shall have no power to authorize any county, city or town, special district, or other unit of local government to contract debts secured by a pledge of its faith and credit unless approved by a majority of the qualified voters of the unit who vote thereon, except for the following purposes:

(a) to fund or refund a valid existing debt;

(b) to supply an unforeseen deficiency in the revenue;

(c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;

(d) to suppress riots or insurrections;

(e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;

(f) for purposes authorized by general laws uniformly applicable throughout the State, to the extent of two-thirds of the amount by which the unit's outstanding indebtedness shall have been reduced during the next preceding fiscal year.

(3) *Gift or loan of credit regulated.* No county, city or town, special district, or other unit of local government shall give or lend its credit in aid of any person, association, or corporation, except for public purposes as authorized by general law, and unless approved by a majority of the qualified voters of the unit who vote thereon.

(4) *Certain debts barred.* No county, city or town, or other unit of local government shall assume or pay any debt or the interest thereon contracted directly or indirectly in aid or support of rebellion or insurrection against the United States.

(5) *Definitions.* A debt is incurred within the meaning of this Section when a county, city or town, special district, or other unit, authority, or agency of local government borrows money. A pledge of faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when a county, city or town, special district, or other unit, authority, or agency of local government exchanges its obligations with or in any way guarantees the debts of an individual, association, or private corporation.

(6) *Outstanding debt.* Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

Sec. 5. *Acts levying taxes to state objects.* Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

Sec. 6. *Inviolability of sinking funds and retirement funds.*

(1) *Sinking funds.* The General Assembly shall not use or authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which the sinking fund has been created, except that these funds may be invested as authorized by law.

(2) *Retirement funds.* Neither the General Assembly nor any public officer, employee, or agency shall use or authorize to be used any part of the funds of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System for any purpose other than retirement system benefits and purposes, administrative expenses, and refunds; except that retirement system funds may be invested as authorized by law, subject to the investment limitation that the funds of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System shall not be applied, diverted, loaned to, or used by the State, any State agency, State officer, public officer, or public employee.

Sec. 7. *Drawing public money.*

(1) *State treasury.* No money shall be drawn from the State Treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of State funds shall be published annually.

(2) *Local treasury.* No money shall be drawn from the treasury of any county, city or town, or other unit of local government except by authority of law.

Sec. 8. *Health care facilities.* Notwithstanding any other provisions of this Constitution, the General Assembly may enact general laws to authorize the State, counties, cities or towns, and other State and local governmental entities to issue revenue bonds to finance or refinance for any such governmental entity or

any nonprofit private corporation, regardless of any church or religious relationship, the cost of acquiring, constructing, and financing health care facility projects to be operated to serve and benefit the public; provided, no cost incurred earlier than two years prior to the effective date of this section shall be refinanced. Such bonds shall be payable from the revenues, gross or net, of any such projects and any other health care facilities of any such governmental entity or nonprofit private corporation pledged therefor; shall not be secured by a pledge of the full faith and credit, or deemed to create an indebtedness requiring voter approval of any governmental entity; and may be secured by an agreement which may provide for the conveyance of title of, with or without consideration, any such project or facilities to the governmental entity or nonprofit private corporation. The power of eminent domain shall not be used pursuant hereto for nonprofit private corporations.

Sec. 9. *Capital projects for industry.* Notwithstanding any other provision of this Constitution, the General Assembly may enact general laws to authorize counties to create authorities to issue revenue bonds to finance, but not to refinance, the cost of capital projects consisting of industrial, manufacturing and pollution control facilities for industry and pollution control facilities for public utilities, and to refund such bonds.

In no event shall such revenue bonds be secured by or payable from any public moneys whatsoever, but such revenue bonds shall be secured by and payable only from revenues or property derived from private parties. All such capital projects and all transactions therefor shall be subject to taxation to the extent such projects and transactions would be subject to taxation if no public body were involved therewith; provided, however, that the General Assembly may provide that the interest on such revenue bonds shall be exempt from income taxes within the State.

The power of eminent domain shall not be exercised to provide any property for any such capital project.

Sec. 10. *Joint ownership of generation and transmission facilities.* In addition to other powers conferred upon them by law, municipalities owning or operating facilities for the generation, transmission or distribution of electric power and energy and joint agencies formed by such municipalities for the purpose of owning or operating facilities for the generation and transmission of electric power and energy (each, respectively, "a unit of municipal government") may jointly or severally own, operate and maintain works, plants and facilities, within or without the State, for the generation and transmission of electric power and energy, or both, with any person, firm, association or corporation, public or private, engaged in the generation, transmission or distribution of electric power and energy for resale (each, respectively, "a co-owner") within this State or any state contiguous to this State, and may enter into and carry out agreements with respect to such jointly owned facilities. For the purpose of financing its share of the cost of any such jointly owned electric generation or transmission facilities, a unit of municipal government may issue its revenue bonds in the manner prescribed by the General Assembly, payable as to both principal and interest solely from and secured by a lien and charge on all or any part of the revenue derived, or to be derived, by such unit of municipal government from the ownership and operation of its electric facilities; provided, however, that no unit of municipal government shall be liable, either jointly or severally, for any acts,

omissions or obligations of any co-owner, nor shall any money or property of any unit of municipal government be credited or otherwise applied to the account of any co-owner or be charged with any debt, lien or mortgage as a result of any debt or obligation of any co-owner.

Sec. 11. *Capital projects for agriculture.* Notwithstanding any other provision of the Constitution the General Assembly may enact general laws to authorize the creation of an agency to issue revenue bonds to finance the cost of capital projects consisting of agricultural facilities, and to refund such bonds.

In no event shall such revenue bonds be secured by or payable from any public moneys whatsoever, but such revenue bonds shall be secured by and payable only from revenues or property derived from private parties. All such capital projects and all transactions therefor shall be subject to taxation to the extent such projects and transactions would be subject to taxation if no public body were involved therewith; provided, however, that the General Assembly may provide that the interest on such revenue bonds shall be exempt from income taxes within the State.

The power of eminent domain shall not be exercised to provide any property for any such capital project.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

Section 1. *Who may vote.* Every person born in the United States and every person who has been naturalized, 18 years of age, and possessing the qualifications set out in this Article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

Sec. 2. *Qualifications of voter.*

(1) *Residence period for State elections.* Any person who has resided in the State of North Carolina for one year and in the precinct, ward, or other election district for 30 days next preceding an election, and possesses the other qualifications set out in this Article, shall be entitled to vote at any election held in this State. Removal from one precinct, ward, or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which that person has removed until 30 days after the removal.

(2) *Residence period for presidential elections.* The General Assembly may reduce the time of residence for persons voting in presidential elections. A person made eligible by reason of a reduction in time of residence shall possess the other qualifications set out in this Article, shall only be entitled to vote for President and Vice President of the United States or for electors for President and Vice President, and shall not thereby become eligible to hold office in this State.

(3) *Disqualification of felon.* No person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, shall be permitted to vote unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.

Sec. 3. *Registration.* Every person offering to vote shall be at the time legally registered as a voter as herein prescribed and in the manner provided by law. The General Assembly shall enact general laws governing the registration of voters.

Sec. 4. *Qualification for registration.* Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language.

Sec. 5. *Elections by people and General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce. A contested election for any office established by Article III of this Constitution shall be determined by joint ballot of both houses of the General Assembly in the manner prescribed by law.

Sec. 6. *Eligibility to elective office.* Every qualified voter in North Carolina who is 21 years of age, except as in this Constitution disqualified, shall be eligible for election by the people to office.

Sec. 7. *Oath.* Before entering upon the duties of an office, a person elected or appointed to the office shall take and subscribe the following oath:

"I, ..., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as ...., so help me God."

Sec. 8. *Disqualifications for office.* The following persons shall be disqualified for office:

First, any person who shall deny the being of Almighty God.

Second, with respect to any office that is filled by election by the people, any person who is not qualified to vote in an election for that office.

Third, any person who has been adjudged guilty of treason or any other felony against this State or the United States, or any person who had been adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, or any person who has been adjudged guilty of corruption or malpractice in any office, or any person who has been removed by impeachment from any office, and who has not been restored to the rights of citizenship in the manner prescribed by law.

Sec. 9. *Dual office holding.*

(1) *Prohibitions.* It is salutary that the responsibilities of self-government be widely shared among the citizens of the State and that the potential abuse of authority inherent in the holding of multiple offices by an individual be avoided. Therefore, no person who holds any office or place of trust or profit under the United States or any department thereof, or under any other state or government, shall be eligible to hold any office in this State that is filled by election by the people. No person shall hold concurrently any two offices in this State that are filled by election of the people. No person shall hold concurrently any two or more appointive offices or places of trust or profit, or any combination of elective and appointive offices or places of trust or profit, except as the General Assembly shall provide by general law.

(2) *Exceptions.* The provisions of this Section shall not prohibit any officer of the military forces of the State or of the United States not on active duty for an

extensive period of time, any notary public, or any delegate to a Convention of the People from holding concurrently another office or place of trust or profit under this State or the United States or any department thereof.

Sec. 10. *Continuation in office.* In the absence of any contrary provision, all officers in this State, whether appointed or elected, shall hold their positions until other appointments are made or, if the offices are elective, until their successors are chosen and qualified.

ARTICLE VII

LOCAL GOVERNMENT

Section 1. *General Assembly to provide for local government.* The General Assembly shall provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable.

The General Assembly shall not incorporate as a city or town, nor shall it authorize to be incorporated as a city or town, any territory lying within one mile of the corporate limits of any other city or town having a population of 5,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within three miles of the corporate limits of any other city or town having a population of 10,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within four miles of the corporate limits of any other city or town having a population of 25,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within five miles of the corporate limits of any other city or town having a population of 50,000 or more according to the most recent decennial census of population taken by order of Congress. Notwithstanding the foregoing limitations, the General Assembly may incorporate a city or town by an act adopted by vote of three-fifths of all the members of each house.

Sec. 2. *Sheriffs.* In each county a Sheriff shall be elected by the qualified voters thereof at the same time and places as members of the General Assembly are elected and shall hold his office for a period of four years, subject to removal for cause as provided by law.

Sec. 3. *Merged or consolidated counties.* Any unit of local government formed by the merger or consolidation of a county or counties and the cities and towns therein shall be deemed both a county and a city for the purposes of this Constitution, and may exercise any authority conferred by law on counties, or on cities and towns, or both, as the General Assembly may provide.

ARTICLE VIII

CORPORATIONS

Section 1. *Corporate charters.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain

under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering, organization, and powers of all corporations, and for the amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general acts may be altered from time to time or repealed. The General Assembly may at any time by special act repeal the charter of any corporation.

Sec. 2. *Corporations defined.* The term "corporation" as used in this Section shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.

ARTICLE IX

EDUCATION

Section 1. *Education encouraged.* Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.

Sec. 2. *Uniform system of schools.*

(1) *General and uniform system; term.* The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

(2) *Local responsibility.* The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or post-secondary school program.

Sec. 3. *School attendance.* The General Assembly shall provide that every child of appropriate age and of sufficient mental and physical ability shall attend the public schools, unless educated by other means.

Sec. 4. *State Board of Education.*

(1) *Board.* The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

(2) *Superintendent of Public Instruction.* The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

Sec. 5. *Powers and duties of Board.* The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article,

and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.

Sec. 6. *State school fund.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; all moneys, stocks, bonds, and other property belonging to the State for purposes of public education; the net proceeds of all sales of the swamp lands belonging to the State; and all other grants, gifts, and devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury and, together with so much of the revenue of the State as may be set apart for that purpose, shall be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.

Sec. 7. *County school fund.* All moneys, stocks, bonds, and other property belonging to a county school fund, and the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.

Sec. 8. *Higher education.* The General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise. The General Assembly shall provide for the selection of trustees of The University of North Carolina and of the other institutions of higher education, in whom shall be vested all the privileges, rights, franchises, and endowments heretofore granted to or conferred upon the trustees of these institutions. The General Assembly may enact laws necessary and expedient for the maintenance and management of The University of North Carolina and the other public institutions of higher education.

Sec. 9. *Benefits of public institutions of higher education.* The General Assembly shall provide that the benefits of The University of North Carolina and other public institutions of higher education, as far as practicable, be extended to the people of the State free of expense.

Sec. 10. *Escheats.*

(1) *Escheats prior to July 1, 1971.* All property that prior to July 1, 1971, accrued to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be appropriated to the use of The University of North Carolina.

(2) *Escheats after June 30, 1971.* All property that, after June 30, 1971, shall accrue to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be used to aid worthy and needy students who are residents of this State and are enrolled in public institutions of higher education in this State. The method, amount, and type of distribution shall be prescribed by law.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

Section 1. *Personal property exemptions.* The personal property of any resident of this State, to a value fixed by the General Assembly but not less than $500, to be selected by the resident, is exempted from sale under execution or other final process of any court, issued for the collection of any debt.

Sec. 2. *Homestead exemptions.*

(1) *Exemption from sale; exceptions.* Every homestead and the dwellings and buildings used therewith, to a value fixed by the General Assembly but not less than $1,000, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city or town with the dwellings and buildings used thereon, and to the same value, owned and occupied by a resident of the State, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for its purchase.

(2) *Exemption for benefit of children.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of the owner's children, or any of them.

(3) *Exemption for benefit of surviving spouse.* If the owner of a homestead dies, leaving a surviving spouse but no minor children, the homestead shall be exempt from the debts of the owner, and the rents and profits thereof shall inure to the benefit of the surviving spouse until he or she remarries, unless the surviving spouse is the owner of a separate homestead.

(4) *Conveyance of homestead.* Nothing contained in this Article shall operate to prevent the owner of a homestead from disposing of it by deed, but no deed made by a married owner of a homestead shall be valid without the signature and acknowledgement of his or her spouse.

Sec. 3. *Mechanics' and laborers' liens.* The General Assembly shall provide by proper legislation for giving to mechanics and laborers an adequate lien on the subject-matter of their labor. The provisions of Sections 1 and 2 of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming the exemption or a mechanic's lien for work done on the premises.

Sec. 4. *Property of married women secured to them.* The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised and bequeathed and conveyed by her, subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband.

Sec. 5. *Insurance.* A person may insure his or her own life for the sole use and benefit of his or her spouse or children or both, and upon his or her death the proceeds from the insurance shall be paid to or for the benefit of the spouse or children or both, or to a guardian, free from all claims of the representatives or

creditors of the insured or his or her estate. Any insurance policy which insures the life of a person for the sole use and benefit of that person's spouse or children or both shall not be subject to the claims of creditors of the insured during his or her lifetime, whether or not the policy reserves to the insured during his or her lifetime any or all rights provided for by the policy and whether or not the policy proceeds are payable to the estate of the insured in the event the beneficiary or beneficiaries predecease the insured.

ARTICLE XI

PUNISHMENTS, CORRECTIONS, AND CHARITIES

Section 1. *Punishments.* The following punishments only shall be known to the laws of this State: death, imprisonment, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State.

Sec. 2. *Death punishment.* The object of punishments being not only to satisfy justice, but also to reform the offender and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

Sec. 3. *Charitable and correctional institutions and agencies.* Such charitable, benevolent, penal, and correctional institutions and agencies as the needs of humanity and the public good may require shall be established and operated by the State under such organization and in such manner as the General Assembly may prescribe.

Sec. 4. *Welfare policy; board of public welfare.* Beneficent provision for the poor, the unfortunate, and the orphan is one of the first duties of a civilized and a Christian state. Therefore the General Assembly shall provide for and define the duties of a board of public welfare.

ARTICLE XII

MILITARY FORCES

Section 1. *Governor is Commander in Chief.* The Governor shall be Commander in Chief of the military forces of the State and may call out those forces to execute the law, suppress riots and insurrections, and repel invasion.

ARTICLE XIII

CONVENTIONS; CONSTITUTIONAL AMENDMENT AND REVISION

Section 1. *Convention of the People.* No Convention of the People of this State shall ever be called unless by the concurrence of two-thirds of all the members of each house of the General Assembly, and unless the proposition "Convention or No Convention" is first submitted to the qualified voters of the State at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast upon the proposition are in favor of a Convention, it shall assemble on the day prescribed by the General Assembly. The General Assembly shall, in the act of submitting the convention proposition, propose limitations upon the authority of the Convention; and if a majority of the votes

cast upon the proposition are in favor of a Convention, those limitations shall become binding upon the Convention. Delegates to the Convention shall be elected by the qualified voters at the time and in the manner prescribed in the act of submission. The Convention shall consist of a number of delegates equal to the membership of the House of Representatives of the General Assembly that submits the convention proposition and the delegates shall be apportioned as is the House of Representatives. A Convention shall adopt no ordinance not necessary to the purpose for which the Convention has been called.

Sec. 2. *Power to revise or amend Constitution reserved to people.* The people of this State reserve the power to amend this Constitution and to adopt a new or revised Constitution. This power may be exercised by either of the methods set out hereinafter in this Article, but in no other way.

Sec. 3. *Revision or amendment by Convention of the People.* A Convention of the People of this State may be called pursuant to Section 1 of this Article to propose a new or revised Constitution or to propose amendments to this Constitution. Every new or revised Constitution and every constitutional amendment adopted by a Convention shall be submitted to the qualified voters of the State at the time and in the manner prescribed by the Convention. If a majority of the votes cast thereon are in favor of ratification of the new or revised Constitution or the constitutional amendment or amendments, it or they shall become effective January first next after ratification by the qualified voters unless a different effective date is prescribed by the Convention.

Sec. 4. *Revision or amendment by legislative initiation.* A proposal of a new or revised Constitution or an amendment or amendments to this Constitution may be initiated by the General Assembly, but only if three-fifths of all the members of each house shall adopt an act submitting the proposal to the qualified voters of the State for their ratification or rejection. The proposal shall be submitted at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast thereon are in favor of the proposed new or revised Constitution or constitutional amendment or amendments, it or they shall become effective January first next after ratification by the voters unless a different effective date is prescribed in the act submitting the proposal or proposals to the qualified voters.

ARTICLE XIV

MISCELLANEOUS

Section 1. *Seat of government.* The permanent seat of government of this State shall be at the City of Raleigh.

Sec. 2. *State boundaries.* The limits and boundaries of the State shall be and remain as they now are.

Sec. 3. *General laws defined.* Whenever the General Assembly is directed or authorized by this Constitution to enact general laws, or general laws uniformly applicable throughout the State, or general laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, no special or local act shall be enacted concerning the subject matter directed or authorized to be accomplished by general or uniformly applicable laws, and every amendment or repeal of any law relating to such subject matter shall also be general and uniform in its effect throughout the

State. General laws may be enacted for classes defined by population or other criteria. General laws uniformly applicable throughout the State shall be made applicable without classification or exception in every unit of local government of like kind, such as every county, or every city and town, but need not be made applicable in every unit of local government in the State. General laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, shall be made applicable without classification or exception in every unit of local government, or in every local court district, as the case may be. The General Assembly may at any time repeal any special, local, or private act.

Sec. 4. *Continuity of laws; protection of office holders.* The laws of North Carolina not in conflict with this Constitution shall continue in force until lawfully altered. Except as otherwise specifically provided, the adoption of this Constitution shall not have the effect of vacating any office or term of office now filled or held by virtue of any election or appointment made under the prior Constitution of North Carolina and the laws of the State enacted pursuant thereto.

Sec. 5. *Conservation of natural resources.* It shall be the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions to acquire and preserve park, recreational, and scenic areas, to control and limit the pollution of our air and water, to control excessive noise, and in every other appropriate way to preserve as a part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, openlands, and places of beauty.

To accomplish the aforementioned public purposes, the State and its counties, cities and towns, and other units of local government may acquire by purchase or gift properties or interests in properties which shall, upon their special dedication to and acceptance by resolution adopted by a vote of three-fifths of the members of each house of the General Assembly for those public purposes, constitute part of the "State Nature and Historic Preserve", and which shall not be used for other purposes except as authorized by law enacted by a vote of three-fifths of the members of each house of the General Assembly. The General Assembly shall prescribe by general law the conditions and procedures under which such properties or interests therein shall be dedicated for the aforementioned public purposes.

SESSION LAWS
OF THE
STATE OF NORTH CAROLINA

FIRST SESSION 1985

H.B. 24 **CHAPTER 1**

AN ACT TO APPOINT MEMBERS OF THE WHITEVILLE CITY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Section 9 of Chapter 172, Session Laws of 1977, appointment of the members of the Board of Education of the Whiteville City School Administrative Unit in 1985 need not be made at least 10 days prior to the time for taking office.

Sec. 2. Pursuant to Chapter 172, Session Laws of 1977, the following persons are appointed to the Board of Education for the Whiteville City School Administrative Unit, and they shall serve for a term of two years beginning on the second Tuesday in February of 1985: David Flowers, Charles L. Lennon, Katie Powell, and Sharon White Gore.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1985.

H.B. 29 **CHAPTER 2**

AN ACT TO PROVIDE FOR THE CREATION OF AN INTERIM BOARD OF EDUCATION FOR PITT COUNTY AND SUBSEQUENT CONSOLIDATION OF THE GREENVILLE CITY SCHOOL ADMINISTRATIVE UNIT AND THE PITT COUNTY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina enacts:

Section 1. As used in this act, unless another meaning is specified or the context clearly requires otherwise, the following terms have the meaning specified:

(1) "City Administrative Unit" means the existing Greenville City School Administrative Unit.
(2) "City Board" means the existing Greenville City Board of Education.
(3) "County Administrative Unit" means the existing Pitt County School Administrative Unit.
(4) "County Board" means the existing Pitt County Board of Education.
(5) "County Commissioners" means the Board of County Commissioners of Pitt County.
(6) "Interim Board" means a separate Board of Education established by this act for the purpose of supervising, coordinating, contracting for and acquiring all new schools and plant sites to be built in the City Administrative Unit or the County Administrative Unit.
(7) "Pitt County Board of Education" means the single board established under this act for the purpose of operating and administering all of the public schools of Pitt County, including those schools now operated and administered by the city board and now operated and administered by the county board.

Sec. 2. Effective July 1, 1986, the City Administrative Unit and the County Administrative Unit are merged and consolidated and shall be known as the Pitt County School Administrative Unit.

Sec. 3. (a) There is established an interim board as a body politic to assume the authority and responsibility for the supervision, coordinating, acquisition, contracting and construction as to all new school buildings to be built within the territorial limits of the City Administrative Unit and the County Administrative Unit, and the interim board shall meet within 30 days after its establishment for the purpose of organizing. The interim board shall elect a chairman to preside over its meetings, and any member of the interim board shall be entitled to hold any office of the board. The interim board shall exercise all powers and authorities and duties that are now exercised and performed by the city and county boards of education as set forth in the General Statutes as they relate to the selection and acquisition of school sites, entering into contracts for construction and for the purpose of obtaining equipment and supplies required for such building facilities.

(b) All powers and authority not specifically given to the interim board under this act are retained by the city board and county board.

(c) For the purpose for which the interim board is established, the interim board shall prepare and submit to the county commissioners all necessary capital outlay, debt service and current expense budgets. The interim board shall expend all funds in conformity with approved budgets.

(d) To assure capital improvements necessary to effectuate consolidation, the county commissioners, consistent with G.S. 159-18, have deemed it advisable to establish and maintain in accordance with a resolution duly adopted on the 21st day of September, 1984, by the Pitt County Board of Commissioners, a School Capital Reserve Fund as spelled out in such resolution. The continuation of the Capital Reserve Fund is subject to any dramatic change in the economic conditions in Pitt County

as the County Commissioners, in their discretion, shall deem advisable if the said continuation should become unduly burdensome on the taxpayers of Pitt County.

(e) Beginning upon ratification of this act, the interim board may make contracts, hire personnel and adopt policies and administrative procedures, all as relate to all school matters for the school year 1986-87 and for subsequent years.

Sec. 4. (a) The interim board shall consist of 12 members and exists in addition to the city board and county board, and the interim board shall remain in existence until the date set under subsection (d) of this section.

(b The interim board shall consist of four existing city board members to be elected by and from the then current membership of the city board, and shall include all eight county board members.

(c) Vacancies occurring on the interim board shall be filled as follows:

(1) If the vacancy occurs in the seat of a member appointed by the city board, the city board shall fill the vacancy by appointing a member from that board.

(2) If the vacancy occurs in the seat of a member of the county board, the person appointed by the county board to fill the vacancy on the county board shall also fill the vacancy on the interim board.

(d) On July 1, 1986, the interim board shall become the Pitt County Board of Education, at which time the Pitt County Board of Education shall consist of 12 members who shall be inducted according to law and the members shall serve as provided in this act. On that date, after induction of the 12-member Pitt County Board of Education, the interim board shall cease as a body politic.

Sec. 4.1. Pitt County is divided into nine residence districts for election to the Pitt County Board of Education. Members shall reside in and represent the districts according to the apportionment plan adopted in Section 5 of this act.

Sec. 5. (1) District 1 shall consist of the Townships of Bethel and Belvoir and shall elect one member.

(2) District 2 shall consist of the Townships of Arthur, Falkland and Fountain and shall elect one member.

(3) District 3 shall consist of the Townships of Carolina and Pactolus and shall elect one member.

(4) District 4 shall consist of the Townships of Chicod, Grimesland and Swift Creek and shall elect one member.

(5) District 5 shall consist of the Township of Farmville and shall elect one member.

(6) District 6 shall consist of the Township of Winterville and shall elect one member.

(7) District 7 shall consist of the Township of Grifton and shall elect one member.

(8) District 8 shall consist of the Township of Ayden and shall elect one member.

(9) District 9 shall consist of the Greenville Township and shall elect four members.

Sec. 5.1. All terms of office on the Pitt County Board of Education shall begin on the first Monday in December following the election.

Sec. 5.2. (a) In 1986 and every six years thereafter, a member shall be elected for each of districts 3, 6 and 7.

(b) In 1988 and every six years thereafter, four members shall be elected from district 9.

(c) In 1990 and every six years thereafter, a member shall be elected for each of districts 1, 2, 4, 5 and 8.

Sec. 5.3. (a) The term of office for persons serving on the Pitt County Board of Education because of service on the county board in seats 1, 2, 4, 5 and 8 shall expire on the first Monday in December of 1990.

(b) The term of office for persons serving on the Pitt County Board of Education because of service on the county board in seats 3, 6 and 7 shall expire on the first Monday in December of 1986.

(c) The term of office for persons serving on the Pitt County Board of Education because of selection by the city board under Section 4(b) of this act shall expire on the first Monday in December of 1988.

Sec. 6. In 1986 and thereafter as terms expire, the Pitt County Board of Education shall be elected by the nonpartisan plurality method of election as follows:

(1) A candidate seeking election to the Pitt County Board of Education shall file notice of candidacy with the Pitt County Board of Elections during the period provided for filing notice of candidacy for county office under G.S. 163-106(c).

(2) Candidates shall be placed on the ballot in the election by district but shall be voted on by the electors of the total county, and the candidate of each district receiving the highest total vote shall be elected to the Pitt County Board of Education from that district, except that the four candidates in district 9 receiving the highest number of votes shall be elected.

(3) Except as is specifically provided in this section, the election to the Pitt County Board of Education is governed by Article 24 of Chapter 163 of the General Statutes.

(4) The results shall be determined in accordance with G.S. 163-292.

(5) The election shall be at the same time as the primary for county officers.

Sec. 7. All members elected to the Pitt County Board of Education shall hold office for terms of six years.

Sec. 8. The Pitt County Board of Education shall elect a chairman to preside at meetings and a vice-chairman to preside at meetings in the absence of the chairman. The chairman may vote on all matters considered by the Pitt County Board of Education. All vacancies occurring in the Pitt County Board of Education by reason of death, resignation, removal of residence from the district from which elected, or otherwise, shall be filled by the remaining members of the board by appointing a member from the district creating the vacancy to serve the unexpired term.

Sec. 8.1. The Pitt County Board of Education shall have the powers of a board of education as conferred by this act and as are conferred by general law on boards of education in general.

Sec. 9. (a) Upon the creation of the interim board and until July 1, 1986, the city board and the county board shall continue to exercise all powers and authority with respect to the administration and operation of all existing schools in the administrative unit of each respective board of education, together with all other powers conferred by law except those which are specifically given to the interim board for the purpose of supervising, coordinating, contracting for and acquiring all new school plants and sites to be built in Pitt County.

(b) The financial administration of the existing city board and the county board until otherwise terminated herein shall be governed by the provisions of the General Statutes of North Carolina except that the interim board shall have specific authority between ratification and June 30, 1986, to prepare and submit to the county commissioners all necessary budgets, and at the same time required by law to prepare and submit to the county commissioners all the necessary capital outlay, debt service and current expense budgets for school purposes, all for and on behalf of the Pitt County Board of Education notwithstanding the creation of the Pitt County Board of Education effective July 1, 1986.

Sec. 10. When any vacancy occurs on the city board and the county board prior to July 1, 1986, such vacancy shall be filled in the manner now prescribed by law.

Sec. 11. As of July 1, 1986, when the Pitt County Board of Education shall assume all of the authority of administering and operating all schools in the city administrative unit and county administrative unit, all authority and power of the interim board, the city board and the county board shall end and the same shall be vested in the Pitt County Board of Education which shall control, administer and operate all of the public schools located in Pitt county.

Sec. 12. On July 1, 1986, the title to all property of the city board and the county board and the interim board, both real and personal of every kind and description vests in the Pitt County Board of Education; and the city board, the county board and the interim board may between ratification and July 1, 1986, execute all deeds and other instruments of conveyance necessary to vest record title to any such property heretofore held by them in and to the Pitt County Board of Education as of July 1, 1986. All claims and demands of every kind which the city board and the county board and the interim board may have as of July 1, 1986, shall pass and be transferred to the Pitt County Board of Education, and that board of education shall have the same powers and authority to enforce said claims and demands as the existing county board and the city board and the interim board would have had in the event of their continued existence. Any obligations and liabilities of the city board and county board and interim board existing as of July 1, 1986, shall be and become the obligations and liabilities of the Pitt County Board of Education as of July 1, 1986, and such obligations and liabilities may be enforced against the Pitt County Board of Education thereafter to the same extent that they might have been enforced against the existing boards had they continued in existence.

Sec. 13. Effective July 1, 1986, Chapter 360, Session Laws of 1971 is repealed, and no election shall be held under that act in 1986.

Sec. 14. Effective July 1, 1986, Chapter 44, Session Laws of 1977 is repealed, no election shall be held under that act in 1986, and no appointments shall be made under Section 7 of that act in 1986.

Sec. 15. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1985.

S.B. 5 **CHAPTER 3**

AN ACT TO REVISE THE MEMBERSHIP OF THE ADVISORY BUDGET COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 143-4 is rewritten to read:

"Five Senators appointed by the President of the Senate, a chairman of the House Appropriations Committee, a chairman of the House Finance Committee, three other Representatives appointed by the Speaker of the House and five persons appointed by the Governor shall constitute the Advisory Budget Commission."

Sec. 2. The eighth paragraph of G.S. 143-4 is amended by deleting "finance or an appropriations" and substituting "House Finance or a House Appropriations".

Sec. 2.1. The first paragraph of G.S. 143-4 is amended by adding the following at the end: "If there is more than one House Appropriations Committee Chairman, or more than one House Finance Committee Chairman, the Speaker of the House of Representatives shall designate which shall serve on the Advisory Budget Commission."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1985.

H.B. 65 **CHAPTER 4**

AN ACT TO EXTEND THE DATE BY WHICH THE CRIMINAL CODE REVISION STUDY COMMITTEE MUST SUBMIT ITS FINAL REPORT.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 921 of the 1983 Session Laws is amended by deleting the words "the first day" and substituting the date "March 11".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1985.

H.B. 68 **CHAPTER 5**

AN ACT TO AUTHORIZE USE OF UDAG FUNDS BY THE TOWN OF WARSAW.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 160A-360(a) the Town of Warsaw may use Urban Development Action Grant funds for financing of a turkey processing plant and related utilities located within Duplin County.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1985.

S.B. 34 **CHAPTER 6**

AN ACT TO EXTEND THE DATE BY WHICH THE PROPERTY TAX SYSTEM STUDY COMMITTEE MUST SUBMIT ITS FINAL REPORT.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of Section 4 of Chapter 838 of the 1983 Session Laws is amended by deleting the date "February 1" and substituting the date "March 11".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1985.

H.B. 2 **CHAPTER 7**

AN ACT TO SCHEDULE THE REGULAR PRIMARY AND GENERAL ELECTION IN VANCE COUNTY FOR MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION NOT CONDUCTED IN 1984 DUE TO DELAY CAUSED BY SUBMISSIONS TO UNITED STATES DEPARTMENT OF JUSTICE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary, the primary and general elections for members of the Vance County Board of Commissioners and Vance County Board of Education from Districts I and II, originally scheduled to be conducted in 1984 shall be conducted in accordance with the schedule and procedures hereinafter prescribed, and, except as provided herein, the provisions of Chapter 163 of the General Statutes shall apply.

Sec. 2. The term "approval date" as used herein shall mean the date upon which Vance County receives written notification from the United States Department of Justice that the Attorney General of the United States does not interpose any objection to this act and the implementation thereof under the terms of the Voting Rights Act of 1965.

Sec. 3. The public notice relative to the primary election to be conducted in accordance with this act shall be published in a newspaper having general circulation in Vance County no later than the tenth day

following the approval date. At least one other publication shall be made no later than one week following the date of the first publication.

Sec. 4. The first primary election for members in Districts I and II of the Board of County Commissioners and Board of Education in Vance County shall be conducted on the sixth Tuesday after the first Monday after the approval date and a second primary, if required, shall be conducted on the fourth Tuesday after the first primary. The general election for said officers shall be conducted on the eighth Tuesday after the first primary.

Sec. 5. The public notice relative to a second primary election, if one is required, to be conducted in accordance with this act shall be published in a newspaper having general circulation in Vance County no later than 10 days following the first primary election, and at least one other publication shall be made no later than one week following the date of first publication. The public notice relative to the general election to be conducted in accordance with this act shall be published in a newspaper having general circulation in Vance County no later than 38 days following the first primary election, and at least two other publications shall be made, the first being no later than one week following the date of the first publication, and the second being no later than two weeks following the date of the first publication.

Sec. 6. The registration books for persons to be eligible to vote in the elections ordered herein shall be closed as is specified in G.S. 163-67(a).

Sec. 7. The Vance County Board of Elections shall conduct the canvass for the elections ordered herein on the second day following the conduct of said elections.

Sec. 8. The Vance County Board of Elections shall implement the provisions of this act and shall be authorized to execute its responsibilities pursuant to G.S. 163-33(1) and G.S. 163-35(d).

Sec. 9. Absentee ballots are authorized for the elections ordered under provisions of this act and shall be issued as quickly as the ballots can be made available following ratification of this act. The requirement that absentee ballots shall be available for voting at least 60 days prior to the date of the primary or election shall not apply with regard to the primaries and election ordered herein only. The Vance County Board of Elections shall hold such meetings as are necessary to pass upon the validity of applications for absentee ballots received in Vance County for the elections ordered under the provisions of this act, and the schedule of meetings for said purpose as set forth in G.S. 163-230(2) may be modified by the Vance County Board of Elections.

Sec. 10. The primary election ballot to be printed pursuant to this act shall contain the names of the persons who filed during the filing period in 1984 provided by G.S. 163-106.

Sec. 11. The terms of the County Commissioners and Board of Education members elected at the general election set in this act shall commence on the first Monday after the canvass of votes by the Vance County Board of Elections, and their terms shall expire on the same dates their terms would have expired had said County Commissioners and Board of Education members been elected at the general election held in November 1984.

Sec. 12. The provisions of this act shall be temporary and shall apply only to the primaries and election ordered herein and its provisions shall expire following final certification of the primaries and general election ordered herein.

Sec. 13. In the event any portion of this act is held unconstitutional or invalid by a State or federal court or is unenforceable because of objection interposed by the United States Department of Justice under the Voting Rights Act of 1965 or if the United States Department of Justice imposes requirements in addition to those set forth herein in connection with the primaries and election herein ordered, which additional requirements are prerequisite to obtaining a nonobjection by the United States Attorney General under the Voting Rights Act of 1965, then and in any of said events, the State Board of Elections shall have authority to make reasonable interim rules and regulations with respect to the primaries and election herein ordered, and to implement any additional requirements which may be imposed as set forth above, in addition to or in lieu of the procedures set forth in this act, and such rules and regulations shall expire at the time set forth in Section 12 hereof.

Sec. 14. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1985.

H.B. 34 **CHAPTER 8**

AN ACT TO REPEAL AN ACT PROVIDING THAT PAMLICO COUNTY MAY PROVIDE HOME HEALTH SERVICES OTHER THAN AS PROVIDED BY GENERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-137(d) is repealed.

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 25th day of February, 1985.

S.B. 16 **CHAPTER 9**

AN ACT TO PROVIDE FOR ATTACHMENT OR GARNISHMENT AND LIEN FOR AMBULANCE SERVICE IN ALEXANDER COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 44-51.8 is amended by adding immediately after the word "Alamance", the word ", Alexander".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1985.

S.B. 28 **CHAPTER 10**

AN ACT TO CLARIFY THE PRIORITY OF CLAIMS IN DELINQUENCY PROCEEDINGS AGAINST INSURERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-155.15(a) is rewritten to read:

"(a) The following priority of claims in the distribution of the assets of an insurer domiciled in this State is established:

(1) Claims for cost of administration and conservation of assets of the insurer.

(2) Compensation actually owing to employees other than officers of the insurer for services rendered within three months prior to the commencement of a delinquency proceeding against the insurer under this Article, but not exceeding one thousand dollars ($1,000) for each employee. In the discretion of the Commissioner, this compensation may be paid as soon as practicable after the proceeding has been commenced. This priority is in lieu of any other similar priority that may be authorized by law as to wages or compensation of those employees.

(3) Claims or portions of claims for benefits under policies and for losses incurred, including claims of third parties under liability policies, up to an amount of three hundred thousand dollars ($300,000) per claim; but excluding claims of insurance pools, underwriting associations, or reinsurers, claims of other insurers for subrogation, and claims of insurers for payments and settlements under uninsured and underinsured motorist coverages.

(4) Claims for unearned premiums.

(5) Claims of general creditors, including claims of insurance pools, underwriting associations, or reinsurers; claims of other insurers for subrogation; those portions of claims for benefits under policies and for losses incurred, including claims of third parties under liability policies, in excess of three hundred thousand dollars ($300,000) per claim; and claims of insurers for payments and settlements under uninsured and underinsured motorist coverages."

Sec. 2. G.S. 58-155.27 is repealed.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1985.

H.B. 89 **CHAPTER 11**

AN ACT TO AUTHORIZE THE STUDY COMMISSION TO EXAMINE ALTERNATIVES FOR INCREASING PUBLIC AWARENESS OF THE IMPORTANCE OF AGRICULTURE, FORESTRY, AND SEAFOOD IN NORTH CAROLINA TO REPORT TO THE GENERAL ASSEMBLY BY APRIL 15, 1985.

The General Assembly of North Carolina enacts:

Section 1. Section 9 of Chapter 915 of the 1983 Session Laws is rewritten to read:

"Sec. 9. The Commission shall complete its work by April 1, 1985, and shall make a written report to the 1985 General Assembly no later than April 15, 1985."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1985.

H.B. 25 **CHAPTER 12**

AN ACT TO RECODIFY ARTICLE 7A OF CHAPTER 65 OF THE GENERAL STATUTES AS ARTICLE 13B OF CHAPTER 90.

The General Assembly of North Carolina enacts:

Section 1. Article 7A of Chapter 65 of the General Statutes, consisting of sections G.S. 65-36.1 through G.S. 65-36.8, is recodified as Article 13B of Chapter 90 of the General Statutes, to consist of sections G.S. 90-210.30 through G.S. 90-210.37.

Sec. 2. The following conforming changes shall be made in the newly codified Chapter 90, Article 13B. The first column lists the affected section, the second column lists the old reference to be deleted, and the third column contains the new reference to be added. Each numbered line shall be read equivalently as "*Column A* is amended by deleting *Column B* and substituting *Column C*, each time they appear".

	Column A	*Column B*	*Column C*
(1)	G.S. 90-210.31(a1)	G.S. 65-36.2(c1)	G.S. 90-210.31(c1)
(2)	G.S. 90-210.31(a1)	G.S. 65-36.3(b)	G.S. 90-210.32(b)
(3)	G.S. 90-210.31(b)	G.S. 65-36.3	G.S. 90-210.32
(4)	G.S. 90-210.31(c1)	G.S. 65-36.2(a)	G.S. 90-210.31(a)
(5)	G.S. 90-210.31(c1)	G.S. 65-36.2(b1)	G.S. 90-210.31(b1)
(6)	G.S. 90-210.32(b)	G.S. 65-36.2(a1)	G.S. 90-210.31(a1)
(7)	G.S. 90-210.34(a)	G.S. 65-36.1(2)	G.S. 90-210.30(2)

Sec. 3. G.S. 90-210.31(d) is amended by deleting "Article 24 of Chapter 58" and substituting "Article 24A of Chapter 58".

Sec. 4. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of March, 1985.

H.B. 154 **CHAPTER 13**

AN ACT TO ALLOW CRAVEN COUNTY TO CONVEY TO THE NEW BERN-CRAVEN COUNTY CHAMBER OF COMMERCE, INC., CERTAIN IMPROVEMENTS AT PRIVATE SALE.

Whereas, Craven County purchased a certain parcel of land from the New Bern-Craven County Board of Education in the City of New Bern; and

Whereas, located upon said property is a two-story brick dwelling house known as the Maxwell House (also known as the Clyde Eby house) presently used by the New Bern-Craven County Board of Education for administrative offices; and

Whereas, Craven County has plans for the construction of an administrative office building on the site where said two-story brick building is located; and

Whereas, Craven County desires to preserve the Maxwell House and that the same not be razed, demolished, or otherwise destroyed; and

Whereas, the New Bern-Craven County Chamber of Commerce, Inc., has agreed to purchase said building from Craven County and Craven County has agreed to sell said building to the New Bern-Craven County Chamber of Commerce, Inc., for the sum of one dollar ($1.00); and

Whereas, the New Bern-Craven County Chamber of Commerce, Inc., has agreed to move the house and to have the removal completed on or before the 25th day of March, 1985; and

Whereas, the New Bern-Craven County Chamber of Commerce, Inc., has further agreed to relocate said building and to renovate the same for use by the Chamber of Commerce and by the Tourism Development Authority; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, Craven County may convey to the New Bern-Craven County Chamber of Commerce, Inc., at private sale with or without monetary consideration that certain two-story brick dwelling house situated at 222 Broad Street, in the City of New Bern, North Carolina, located upon a parcel of land described in a deed dated the 8th day of January, 1985, from the New Bern-Craven County Board of Education to Craven County and which is recorded in the Office of the Register of Deeds of Craven County in Book 1074 at page 447.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1985.

H.B. 79 **CHAPTER 14**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF KENLY AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Kenly is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF KENLY.
"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Sec. 1.1. *Incorporation.* The Town of Kenly, North Carolina, in the County of Johnston and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Kenly,' hereinafter at times referred to as the 'Town.'

"Sec. 1.2. *Powers.* The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities which are now, or hereafter may be, conferred, either expressly or by implication, upon the Town of Kenly specifically, or upon municipal corporations generally, by this Charter, by the North Carolina Constitution, or by general or local law.

"Sec. 1.3. *Corporate Limits.* The corporate limits of the Town of Kenly shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town Clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made, and copies shall be filed in the offices of the Secretary of State, the Johnston County Register of Deeds and the appropriate board of elections.

"ARTICLE II. MAYOR AND TOWN COUNCIL.

"Sec. 2.1. *Governing Body.* The Mayor and Town Council, hereinafter referred to at times as the 'Council,' elected and constituted as herein set forth, shall be the governing body of the Town. On behalf of the Town, and in conformity with the general laws of North Carolina, hereinafter referred to at times as the 'general law,' the Mayor and the Council may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Sec. 2.2. *Town Council; Composition; Terms of Office.* The council shall be composed of five members, each of whom shall be elected for a term of four years in the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified.

"Sec. 2.3. *Mayor; Term of Office; Duties.* The Mayor shall be elected in the manner provided by Article III of this Charter to serve for a term of two years, or until his or her successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Council. He shall have the right to vote only when there are an equal number of votes in the affirmative and the negative on any question or matter before the Council. The Mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred by the general law, this Charter and the ordinances of the Town.

"Sec. 2.4. *Mayor Pro Tempore.* In accordance with applicable general law, the Council shall appoint one of its members to act as Mayor Pro

Tempore to perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the other members of the Council.

"Sec. 2.5. *Meetings of the Council.* In accordance with the general law, the Council shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held in accordance with the applicable provisions of the general law.

"Sec. 2.6. *Ordinances and Resolutions.* The adoption, amendment, repeal, pleading, and proving of Town ordinances and resolutions shall be in accordance with the applicable provisions of general law not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council.

"Sec. 2.7. *Voting Requirements; Quorum.* Official actions of the Council and all votes shall be taken in accordance with the applicable voting and quorum provisions of general law, particularly G.S. 160A-74 and 160A-75.

"Sec. 2.8. *Qualifications for Office; Vacancies; Compensation.* The compensation of Council members, the filling of vacancies on the Council and the qualifications of Council members shall be in accordance with applicable provisions of general law.

"ARTICLE III. ELECTIONS.

"Sec. 3.1. *Regular Municipal Elections; Conduct and Method of Elections.* Regular municipal elections shall be held in the Town every two years in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and Town Council shall be elected by the voters of the Town on an at large basis, by the nonpartisan plurality method of election.

"Sec. 3.2. *Election of the Council Members.* The Council members serving on the date of ratification of this Charter may continue to serve until expiration of their terms, or until their successors are elected and qualified. Council members shall continue to be elected and to serve on a four-year staggered term system. At the regular municipal election in 1985, and every four years thereafter, there shall be elected three Council members to fill the seats of those Council members whose terms are then expiring. At the regular municipal election in 1987, and every four years thereafter, there shall be elected two Council members to fill the seats of those Council members whose terms are then expiring.

"Sec. 3.3. *Election of the Mayor.* The Mayor serving on the date of ratification of this Charter may continue to serve until the expiration of his or her term, or until a successor is elected and qualified. At the regular municipal election in 1985, and every two years thereafter, there shall be elected a Mayor to serve as provided in Article II of this Charter.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. *Form of Government.* The Town shall operate under the Council-Manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 4.2. *Town Manager.* The Council shall appoint a Town Manager who shall be the administrative head of the Town government and shall

be responsible for the administration of all departments of the Town government. He shall be appointed with regard to merit only, and he need not be a resident of the Town when appointed. He shall hold office during the pleasure of the Council and shall receive such compensation as it shall fix by ordinance.

The Town Manager so appointed shall:

(1) direct and supervise the administration of all departments, offices and agencies of the Town;

(2) see that within the Town the laws of the State and the ordinances, resolutions, and regulations of the Council are faithfully executed;

(3) attend all meetings of the Council and recommend for adoption such measures as he shall deem expedient;

(4) appoint and remove all heads of departments and other employees of the Town except the Town Attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the Council may adopt;

(5) prepare and submit the annual budget and capital program to the Council;

(6) submit annually to the Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of the fiscal year;

(7) make such other reports as the Council may require concerning affairs of the Town; and

(8) perform any other duties that may be required and authorized by the Council.

"Sec. 4.3. *Town Attorney.* The Council shall appoint a Town Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. It shall be the duty of the Town Attorney to prosecute and defend suits against the Town; to advise the Mayor, Council members and other Town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the Town; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend meetings of the Council; and to perform other duties required by law or as the Council may direct.

"Sec. 4.4. *Town Clerk.* The Council shall provide for the appointment of a Town Clerk to keep a journal of the proceedings of the Council, to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Council may direct.

"Sec. 4.5. *Town Finance Director.* The Council shall provide for the appointment of a Town Finance Director to perform the duties of the finance officer as required by the Local Government Budget and Fiscal Control Act.

"Sec. 4.6. *Town Tax Collector.* The Council shall provide for the appointment of a Town Tax Collector to collect all taxes, licenses, fees and other revenues accruing to the Town subject to the General Statutes, the provisions of this Charter and the ordinances of the Town. The Town Tax Collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes and other revenues.

"Sec. 4.7. *Consolidation of Functions.* The Council may consolidate any two or more positions of Town Manager, Town Clerk, Town Tax Collector and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act and the Machinery Act.

"Sec. 4.8. *Other Administrative Officers and Employees.* Consistent with applicable general law, the Council may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Kenly and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(1) Any acts concerning the property, affairs, or government of public schools in the Town of Kenly.

(2) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act, are repealed:

Chapter 92, Private Laws of 1887
Chapter 238, Private Laws of 1893
Chapter 635, Public Laws of 1901
Chapter 185, Private Laws of 1909
Chapter 166, Private Laws of 1929
Chapter 132, Public-Local Laws of 1939
Chapter 281, Public-Local Laws of 1939
Chapter 208, Public-Local Laws of 1941
Chapter 622, Session Laws of 1951
Chapter 45, Session Laws of 1961
Chapter 238, Session Laws of 1963
Section 1 of Chapter 75, Session Laws of 1967

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action previously taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law previously repealed expressly or by implication, and no law granting authority which has been exhausted, shall be construed to be revived by any provision of this act.

Sec. 7. All existing ordinances and resolutions of the Town of Kenly and all existing rules or regulations of departments or agencies of the Town of Kenly not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified or amended.

Sec. 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by the ratification of this act.

Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed, superseded or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed, superseded or recodified.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1985.

H.B. 129 **CHAPTER 15**

AN ACT TO APPROPRIATE ADDITIONAL FUNDS TO THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT AND TO THE DEPARTMENT OF JUSTICE.

The General Assembly of North Carolina enacts:

Section 1. Upon recommendation of the Governor, there is appropriated from the General Fund for the fiscal year 1984-85 the sum of two hundred seventy thousand dollars ($270,000) to the Department of Natural Resources and Community Development and the sum of two hundred thirty thousand dollars ($230,000) to the Department of Justice for appropriate expenses in the continuation of litigation in the controversies involving the proposed diversion of water from the Roanoke River Basin to the Southside Hampton Roads area of Virginia.

Sec. 2. Nothing in this bill shall be construed as a waiver of the State's sovereign immunity.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1985.

H.B. 208 **CHAPTER 16**

AN ACT TO AUTHORIZE HARNETT COUNTY TO DISPOSE OF PROPERTY BY PRIVATE SALE IN CONNECTION WITH A LEASE-PURCHASE ARRANGEMENT FOR CONSTRUCTION OF A LAW ENFORCEMENT CENTER.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the County of Harnett may convey at private sale the following described property as part of a lease-purchase arrangement for construction of a law enforcement center:

Lying and being in the Town of Lillington and BEGINNING at an iron stake, which said iron stake is located 200 feet from the intersection of the eastern margin of Edwards Street and the northern margin of S.R. 2016 and runs thence with the eastern margin of Edwards Street, North 10 deg. 27 min. 15 sec. East 536.15 ft. to a set monument corner; thence South 79 deg. 32 min. 45 sec. East 820.37 ft. to a set monument corner (a line with Baker Nail Company); thence South 10 deg. 27 min. 15 sec. West 524.26 ft. to a set monument corner; thence North 80 deg. 22 min. 20 sec. West 820.4 ft. to the point of BEGINNING and containing 10 acres, more or less. The same being shown by plat recorded in Plat Cabinet 2, Slide 163, of the Harnett County Registry.

Being a part of the property described in Book 752, Page 407-410 and Book 764, Page 770-774 of the Harnett County Registry.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1985.

H.B. 59 **CHAPTER 17**

AN ACT TO ABOLISH THE OFFICE OF CONSTABLE IN THE TOWN OF DUBLIN AND BRING THE TOWN UNDER THE GENERAL LAW RELATING TO APPOINTMENT OF POLICE.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 23, Private Laws, Extra Session of 1913, is amended by deleting ", a town constable, regular and special policemen".

Sec. 2. Section 4 of Chapter 23, Private Laws, Extra Session of 1913, is amended by deleting "town constable," and by deleting ", and regular policemen", and by deleting ", and the special policemen shall be appointed by the mayor".

Sec. 3. Section 7, Chapter 23, Private Laws, Extra Session of 1913, is repealed.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1985.

H.B. 80 **CHAPTER 18**

AN ACT TO ALLOW THE DAVIE COUNTY BOARD OF EDUCATION TO DISPOSE OF CERTAIN PROPERTY BY PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 115C-518, the Davie County Board of Education may convey to the Cooleemee Volunteer Fire Department, Inc., at private sale with or without monetary consideration all its right, title, and interest to the following described property and improvements thereon:

Lying and being in Jerusalem Township, Davie County, North Carolina and beginning at a railroad spike, said railroad spike being the Southwest corner of Davie County Board of Education in the Northern right of way of Marginal Street, Cooleemee, North Carolina and in the Eastern right of way of Watt Street, Cooleemee, North Carolina; thence North 09 degrees 30 minutes 00 seconds East, 49.73 feet to an existing iron pin, said existing iron pin being the Southwest corner of Jerusalem Volunteer Fire Department, Deed Book 108, Page 259, Davie County Registry; thence with said Jerusalem Volunteer Fire Department line South 80 degrees 23 minutes 44 seconds East, 80.04 feet to an existing iron pin, being the Southeast corner of Jerusalem Volunteer Fire Department; thence with said Jerusalem Volunteer Fire Department line North 09 degrees 28 minutes 44 seconds East, 80.00 feet to a point, said point being the Northeast corner of Jerusalem Volunteer Fire Department; thence North 80 degrees 21 minutes 37 seconds West, 80.00 feet to an existing iron pin, said existing iron pin, said existing iron pin being the Northwest corner of Jerusalem Volunteer Fire Department; thence North 09 degrees 30 minutes 00 seconds East, 50.22 feet to a new iron pin; thence South 79 degrees 47 minutes 34 seconds East, 111.21 feet to a new iron pin; thence South 08 degrees 05 minutes 27 seconds West, 180.00 feet to a new iron pin; thence North 79 degrees 50 minutes 45 seconds West, 115.64 feet to the POINT AND PLACE OF BEGINNING and containing 0.322 acre as surveyed by Tutterow Surveying Company on November 2, 1984.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1985.

H.B. 120 **CHAPTER 19**

AN ACT TO ALLOW THE TOWN OF FARMVILLE TO SELL PROPERTY AT PRIVATE SALE, AND TO REPEAL OBSOLETE SECTIONS OF THE TOWN CHARTER.

The General Assembly of North Carolina enacts:

Section 1. The Town of Farmville may convey at private sale to Edwin Kids' Day Care Center, Inc., a nonprofit corporation, all its right, title and interest to approximately .5 acres of land and improvements thereon of Parcel #26878, Pitt County Tax Map 401, Block A, Lot 4, being the old Southside Recreation Center.

Sec. 2. Sections 5.1, 5.2, 5.2.1, 5.2.2, 5.2.3, 5.2.4, and 5.2.5 of the Charter of the City of Farmville, being Chapter 406, Session Laws of 1979, are repealed.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1985.

H.B. 192 **CHAPTER 20**

AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS ON THE ASHEVILLE CITY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Lines 5 through 13 of Section 2 of Chapter 255, Session Laws of 1947, as rewritten by Chapter 745, Session Laws of 1953, are rewritten to read:

"The governing body of the City of Asheville shall, during March 1985, appoint one person to the board for a four-year term. The governing body of the City of Asheville shall, during March 1987, and quadrennially thereafter appoint two persons to the board for four-year terms. The governing body of the City of Asheville shall, during March 1989, and quadrennially thereafter appoint three persons to the board for four-year terms. Terms shall begin on the first day of April of the year in which the appointment is made. Members shall serve until their successors are appointed and qualified."

Sec. 2. This act shall not affect the terms of office of current members of the Asheville City Board of Education.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1985.

S.B. 57 **CHAPTER 21**

AN ACT TO CLARIFY THE TREATMENT OF UNSPECIFIED SENTENCES THAT ARE REQUIRED BY STATUTE TO RUN CONSECUTIVELY WITH ANY OTHER SENTENCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1354(a) is amended by rewriting the last sentence of that subsection to read:

"If not specified or not required by statute to run consecutively, sentences shall run concurrently."

Sec. 2. This act is effective upon ratification and applies only to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 21st day of March, 1985.

S.B. 91 **CHAPTER 22**

AN ACT TO RESTORE THE AUTHORITY OF ONSLOW COUNTY TO REGULATE SUBDIVISION OF LAND INTO PARCELS BETWEEN ONE AND TEN ACRES.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 105, Session Laws of 1975, is repealed.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1985.

H.B. 116 **CHAPTER 23**

AN ACT TO EXEMPT MUNICIPALITIES THAT BUY ELECTRIC POWER FROM A FEDERAL AGENCY AND MAKE PAYMENTS IN LIEU OF TAXES FROM THE SALES TAX ON UTILITY SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.3(25) is amended by changing the period at the end of that subdivision to a comma and adding the following phrase to read: "other than a municipality whose only wholesale supplier of electric power is a federal agency and who is required by a contract with that federal agency to make payments in lieu of taxes."

Sec. 2. This act is effective upon ratification and applies to sales made on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 22nd day of March, 1985.

H.B. 230 **CHAPTER 24**

AN ACT TO EXEMPT TEMPORARILY THE GENERAL ASSEMBLY FROM STATE PURCHASE AND CONTRACT PROCEDURES FOR THE PURPOSE OF ACQUIRING COMPUTER EQUIPMENT, SUPPLIES, AND SERVICES.

Whereas, the General Assembly relies on the Department of Administration's State Computer Center for computer operations relating to bill drafting and other vital legislative data processing activities; and

Whereas, the State Computer Center will continue to provide support for computer operations at the request of the General Assembly; and

Whereas, the General Assembly finds immediate need to guarantee the security of its computer files containing bill drafts and other confidential legislative records; and

Whereas, the most effective way to guarantee this high level of security and confidentiality is by establishing immediately some of the internal computer operations which the General Assembly had planned for a later date; and

Whereas, the Department of Administration is planning to move its computer site during the current Legislative Session, potentially causing the disruption of these vital data processing activities; and

Whereas, the potential disruption brought on by such a move could lengthen unnecessarily the Legislative Session and cost the State additional money; and

Whereas, the General Assembly is developing the staff capacity to assume some automated information systems responsibilities from the State Computer Center and to share others; and

Whereas, the General Assembly finds that an emergency situation exists requiring the provision of reliable and confidential computer systems for the Legislative Branch of Government during this session; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-129 does not apply to contracts for equipment, supplies, and services related to the establishment and operation of computer and information processing systems for the General Assembly.

Sec. 2. This act is effective upon ratification, but only applies to contracts entered into after that date but before March 1, 1987.

In the General Assembly read three times and ratified, this the 22nd day of March, 1985.

H.B. 137 **CHAPTER 25**

AN ACT TO PROHIBIT HUNTING FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt, take, or kill or to attempt to hunt, take, or kill any animal or bird on or from the right-of-way of any public road, street, highway, or thoroughfare.

Sec. 2. Violation of this act is a misdemeanor punishable for a first conviction by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) or imprisonment not to exceed 30 days, and punishable for a second conviction within three years by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), by imprisonment not to exceed 90 days, or by both.

Sec. 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Sec. 4. This act applies only to Rockingham County.

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 25th day of March, 1985.

H.B. 145 **CHAPTER 26**

AN ACT TO REPEAL LOCAL LEGISLATION PROHIBITING THE TAKING OF FEMALE DEER IN CERTAIN TOWNSHIPS OF MARTIN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 568 of the 1979 Session Laws is repealed.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1985.

H.B. 152 **CHAPTER 27**

AN ACT TO PROHIBIT THE TAKING OF GAME FROM CERTAIN PUBLIC ROADS AND HIGHWAYS IN CURRITUCK COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt, take or kill any species of birds, or animals, or attempt to hunt, take or kill any species of birds, or animals, by the use of firearms from the roadway or right-of-way of:

(1) U.S. Highway #168 between Moyock Creek and the Virginia-North Carolina State line;

(2) State Road #1227;

(3) State Road #1229;

(4) State Road #1218 from the Camden County line to the Virginia-North Carolina State line;

(5) State Road #1248;

(6) State Road #1249;

(7) State Road #1250;

(8) State Road #1251;

(9) State Road #1252;

(10) State Road #1253; and

(11) State Road #1140.

Sec. 2. Violation of this act is a misdemeanor, punishable by a fine not to exceed fifty dollars ($50.00), imprisonment for a period not to exceed thirty (30) days, or both, in the discretion of the Court.

Sec. 3. This act is enforceable by enforcement officers of the Wildlife Resources Commission, by deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Sec. 4. This act shall apply only to Currituck County.

Sec. 5. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1985.

H.B. 153 **CHAPTER 28**

AN ACT TO REGULATE HUNTING ON THE LANDS OF ANOTHER IN TYRRELL COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt with guns or dogs upon the lands of another without permission from the owner or lessor of the land.

Sec. 2. Violation of this act is a misdemeanor punishable by a fine of fifty dollars ($50.00) or imprisonment not to exceed 30 days.

Sec. 3. This act is enforceable by enforcement officers of the North Carolina Wildlife Resources Commission, by deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Sec. 4. This act applies only to Tyrrell County.

Sec. 5. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1985.

H.B. 156 **CHAPTER 29**

AN ACT TO ALLOW AN INCREASE IN THE COMPENSATION FOR MEMBERS OF SANITARY DISTRICT BOARDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-56 is amended by adding a new subsection to read:

"(c) The board may, by ordinance, fix the compensation of its members in an amount not to exceed one hundred fifty dollars ($150.00) per month, payable from the funds of the district, but no increase may become effective earlier than the first meeting of the board following the next election of board members after adoption of the ordinance. Until adoption of an ordinance under this subsection, the compensation of members of sanitary district boards shall remain at the amount payable by law immediately prior to the effective date of this subsection. This subsection applies only to sanitary districts with a population of 15,000 or over."

Sec. 2. The second sentence of G.S. 130A-56(a) is amended by deleting "Each", and substituting "In sanitary districts with a population of less than 15,000, each".

Sec. 3. Chapter 345, Session Laws of 1969, is repealed.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1985.

H.B. 84 **CHAPTER 30**

AN ACT CLARIFYING THE HEALTH MAINTENANCE ORGANIZATION ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 57B-22(c) is amended by adding immediately after the words "practicing medicine" the words "or dentistry", and is further amended by adding the following immediately before the period "and dentistry; provided, however, that this exemption does not apply to individual providers under contract with or employed by the health maintenance organization".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1985.

H.B. 27 **CHAPTER 31**

AN ACT TO PROVIDE PENALTIES FOR REMOVAL OF "SEPARATE" PROPERTY DURING SEPARATION WHEN AN EQUITABLE DISTRIBUTION WILL BE OR IS REQUESTED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-20(i) is amended in the first sentence by inserting after the words "marital property" the following: "or separate property of the party seeking relief".

Sec. 2. The last sentence of G.S. 50-20(i) is rewritten to read: "The court, in lieu of granting an injunction, may require a bond or other assurance of sufficient amount to protect the interest of the other spouse in the marital or separate property.".

Sec. 3. G.S. 50-20(i) is amended by adding a new sentence at the end to read as follows: "Upon application by the owner of separate property which was removed from the marital home or possession of its owner by the other spouse, the court may enter an order for reasonable counsel fees and costs of court incurred to regain its possession, but such fees shall not exceed the fair market value of the separate property at the time it was removed.".

Sec. 4. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of March, 1985.

H.B. 150 **CHAPTER 32**

AN ACT TO REGULATE THE FILING OF COPIES OF PLATS, ETC., IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The second paragraph of G.S. 47-32 is amended by deleting the word ", Brunswick".

Sec. 2. The second paragraph of G.S. 47-32.2 is amended by deleting the word ", Brunswick".

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 28th day of March, 1985.

H.B. 172 **CHAPTER 33**

AN ACT RELATING TO THE FORSYTH COUNTY TOURISM DEVELOPMENT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Subdivisions (1) and (2) of Section 29 of Part VII of Chapter 908 of the 1983 Session Laws is rewritten to read:

"(1) a county commissioner appointed by the board of county commissioners, who shall serve as an ex officio member;

(2) a member of the Winston-Salem Board of Aldermen appointed by the Board of Aldermen, who shall serve as an ex officio member;".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1985.

H.B. 177 **CHAPTER 34**

AN ACT TO VALIDATE A CONVEYANCE OF THE TOWN OF GREENEVERS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the sale and conveyance by the Town of Greenevers to Minnie Highsmith Ricks, dated September 20, 1982, and recorded March 28, 1983, in Book 910, Page 40, Duplin County Registry is validated.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1985.

H.B. 184 **CHAPTER 35**

AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO PERFORM CERTAIN ACTIVITIES NOT CURRENTLY ALLOWED BY ITS CHARTER OR STATE STATUTE.

The General Assembly of North Carolina enacts:

Section 1. Section 1, Chapter 992, Session Laws 1981, is reenacted but shall expire on June 30, 1987. Such expiration shall not affect the validity of any action taken on or before that date.

Sec. 2. Notwithstanding any provision of the Raleigh City Charter to the contrary, the City of Raleigh may sell to city employees by private sale any fire helmets acquired prior to December 31, 1984, and not of a

type currently approved by the Occupational Safety and Health Administration. This section shall expire on December 31, 1985.

Sec. 3. Notwithstanding the provisions of G.S. 118-5 requiring residency for members of local Firemen's Relief Funds, the two members elected by the fire fighters to the Raleigh Firemen's Relief Fund pursuant to G.S. 118-6 may qualify for membership so long as they meet the current residency requirement for membership in the Raleigh Fire Department. If a member should move to an area outside the approved area he shall be ineligible for further service on the Raleigh Firemen's Relief Fund.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1985.

H.B. 203 **CHAPTER 36**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CLARKTON.

The General Assembly of North Carolina enacts:

Section 1. Chapter 299 of the Private Laws of 1901 is amended by:

(1) rewriting Sections 2 and 3 to read:

"Sec. 2. The corporate limits of the Town and any lawful amendments thereto shall be as set forth on the official Town Map on record at the Office of the Clerk of the Town of Clarkton.

Sec. 3. An election shall be held in the Town of Clarkton on the Tuesday after the first Monday in November 1985, and biennially thereafter for a mayor and three commissioners according to the nonpartisan plurality method of election pursuant to Articles 23 and 24 of Chapter 163 of the General Statutes."; and

(2) deleting the words and punctuation "Mayor, Commissioners and Marshal" in Section 4 and substituting: "Mayor and Commissioners".

Sec. 2. The following acts are repealed:

(1) Chapter 60, Private Laws of 1913, Extra Session;

(2) Chapter 340, 1945 Session Laws; and

(3) Chapter 440, 1955 Session Laws.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1985.

H.B. 209 **CHAPTER 37**

AN ACT TO REPEAL THE LAW CREATING THE "CITY-COUNTY RADIO AND IDENTIFICATION BUREAU COMMISSION" IN BUNCOMBE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 262, Public-Local Laws of 1941, is repealed.

Sec. 2. Any property currently held by the City-County Radio and Identification Bureau Commission created by Chapter 262, Public-Local Laws of 1941, may be transferred jointly to the City of Asheville and Buncombe County.

Sec. 3. This act shall become effective May 1, 1985.

In the General Assembly read three times and ratified, this the 28th day of March, 1985.

H.B. 296 **CHAPTER 38**

AN ACT MAKING TECHNICAL CORRECTIONS IN CHAPTER 24, SESSION LAWS OF 1985.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 24, Session Laws of 1985, is amended by deleting "G.S. 143-129 does not" and substituting "G.S. 143-129 and Article 3 of Chapter 143 of the General Statutes do not".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1985.

S.B. 36 **CHAPTER 39**

AN ACT TO REQUIRE DRAFT REGISTRATION OF CERTAIN MILITARY DEPENDENTS FOR SCHOLARSHIP AND IN-STATE TUITION PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 116-143.3(c) is amended by inserting a new sentence between the first and second to read: "The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit."

Sec. 2. G.S. 165-20(3) is amended by inserting between the word "Article" and the word "and" the phrase ", who has complied with the requirements of the Selective Service System, if applicable,".

Sec. 3. G.S. 165-22.1 is amended in the second sentence by inserting between the phrase "the recipient" and the phrase "does not maintain" the phrase "does not comply with the registration requirements of the Selective Service System or".

Sec. 4. This act is effective upon ratification and applies to tuition scholarships and charges beginning in the 1985-86 academic year.

In the General Assembly read three times and ratified, this the 29th day of March, 1985.

S.B. 92 **CHAPTER 40**

AN ACT TO ABOLISH THE OFFICE OF CORONER IN ROWAN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The office of Coroner in Rowan County is abolished.

Sec. 2. Chapter 152 of the General Statutes is not applicable in Rowan County.

Sec. 3. This act shall become effective upon the expiration of the term of the current coroner in Rowan County.

In the General Assembly read three times and ratified, this the 29th day of March, 1985.

S.B. 94 **CHAPTER 41**

AN ACT TO ALLOW THE MONROE CITY BOARD OF EDUCATION TO PAY ITS TEN-MONTH EMPLOYEES ON OR BEFORE THE SIXTEENTH OF EACH MONTH.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Chapter 115C of the General Statutes, the Monroe City Board of Education may pay employees who are employed on a ten-month basis on or before the sixteenth of each month during which they are employed.

Sec. 2. This act shall not be construed to authorize prepayment of any employees by the Monroe City Board of Education.

Sec. 3. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 29th day of March, 1985.

S.B. 100 **CHAPTER 42**

AN ACT TO APPOINT PERSONS TO THE NORTH CAROLINA HAZARDOUS WASTE TREATMENT COMMISSION UPON THE RECOMMENDATION OF THE PRESIDENT OF THE SENATE.

Whereas, G.S. 120-121 and G.S. 143B-470.3 authorize the General Assembly to make certain appointments to the North Carolina Hazardous Waste Treatment Commission upon the recommendation of the President of the Senate; and

Whereas, the President of the Senate has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The following persons are appointed to the North Carolina Hazardous Waste Treatment Commission:

(1) Henry M. von Oesen of New Hanover County for a term to expire January 31, 1987;
(2) Dorothy Phillips Kilpatrick of Henderson County for a term to expire January 31, 1989; and
(3) Alvis Greely Turner of Orange County for a term to expire January 31, 1987.

Sec. 2. All appointments made by this act are for a term to begin on the effective date of this act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1985.

H.B. 191 **CHAPTER 43**

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives; and

Whereas, the Speaker of the House of Representatives has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Harold Long of Haywood County and Dr. Bruce Waller of Alamance County are appointed to the North Carolina Hazardous Waste Treatment Commission for terms to expire on January 31, 1989. W. S. (Dick) Brown of Scotland County is appointed to the North Carolina Hazardous Waste Treatment Commission for a term to expire on January 31, 1987.

Sec. 2. Douglas Copeland of Guilford County is appointed to the Board of Public Telecommunications Commissioners to fill the unexpired term of Robert Martin of Pitt County, whose term expires on June 30, 1985.

Sec. 3. Appointments made by this act are for terms to begin on the effective date of this act.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1985.

H.B. 16 **CHAPTER 44**

AN ACT MAKING A TECHNICAL CORRECTION TO THE REVENUE LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-195 is amended by deleting the word "Commissioner" and substituting the word "Secretary".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1985.

H.B. 75 **CHAPTER 45**

AN ACT TO MAKE CLEAR THAT THE PRIVILEGE LICENSE TAX ON PERSONS ENGAGED IN THE BUSINESS OF SELLING KNIVES AND OTHER WEAPONS DOES NOT APPLY TO PERSONS ENGAGED IN THE BUSINESS OF SELLING SLINGSHOTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-80(a) is amended by deleting the word and punctuation "slingshots,".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1985.

H.B. 179 **CHAPTER 46**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF COLUMBUS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Columbus is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF COLUMBUS
"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES

"Section 1.1. *Incorporation.* The Town of Columbus, North Carolina, in Polk County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Columbus,' hereinafter at times referred to as the 'Town'.

"Section 1.2. *Powers.* The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities which are now, or hereafter may be, conferred, either expressly or by implication, upon the Town of Columbus specifically, or upon municipal corporations generally, by this Charter, by the North Carolina Constitution, or by general or local law.

"Section 1.3. *Corporate Limits.* The corporate limits shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town Clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made, and copies shall be filed in the offices of the Secretary of State, the Polk County Register of Deeds and the appropriate board of elections.

"ARTICLE II. MAYOR AND TOWN COUNCIL

"Section 2.1. *Governing Body.* The Mayor and Town Council shall be the governing body of the Town. On behalf of the Town, and in accordance with applicable provisions of the General Statutes, the Mayor and the Council may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Section 2.2. *Town Council; Composition; Terms of Office.* The Council shall be composed of three members who shall be elected in the manner provided by Article III of this Charter.

"Section 2.3. *Mayor; Term of Office; Duties.* The Mayor shall be elected for a term of two years, or until his or her successor is elected and qualified; shall be the official head of the Town government and preside at all meetings of the Council; shall have the right to vote only when there

is an equal division on any question or matter before the Council; and shall exercise the powers and duties conferred by law or as directed by the Council.

"Section 2.4. *Mayor Pro Tempore.* The Council shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in accordance with applicable provisions of the General Statutes. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the other members of the Council.

"Section 2.5. *Meetings of the Council.* In accordance with applicable provisions of the General Statutes, the Council shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided in the General Statutes.

"Section 2.6. *Ordinances and Resolutions.* The adoption, amendment, repeal, pleading, and proving of Town ordinances and resolutions shall be in accordance with applicable provisions of the General Statutes. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council.

"Section 2.7. *Voting Requirements; Quorum.* Official actions of the Council and all votes shall be taken in accordance with applicable voting and quorum provisions of the General Statutes, particularly G.S. 160A-74 and G.S. 160A-75.

"Section 2.8. *Qualifications for Office; Vacancies; Compensation.* The compensation of Council members, the filling of vacancies on the Council and the qualifications of Council members shall be in accordance with applicable provisions of the General Statutes.

"ARTICLE III. ELECTIONS

"Section 3.1. *Regular Municipal Elections.* Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. The Mayor and Council members shall be elected by the voters of the Town on an at-large basis, by the nonpartisan plurality method of election.

"Section 3.2. *Election of the Council Members.* The Council members serving on the date of ratification of this Charter may continue to serve until expiration of their terms, or until their successors are elected and qualified. Council members shall continue to be elected and to serve on a staggered term system. At each such election the candidate receiving the highest number of votes shall serve for a term of four years, and the candidate receiving the next highest number of votes shall serve for a period of two years.

"Section 3.3. *Election of the Mayor.* The Mayor serving on the date of ratification of this Charter may continue to serve until the expiration of his or her term, or until a successor is elected and qualified. At the regular municipal election in 1985 and every two years thereafter, there shall be elected a Mayor to serve as provided in Article II of this Charter.

"Section 3.4. *Special Elections and Referendums.* Special elections and referendums may be held only as provided in applicable provisions of the General Statutes or local acts.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION

"Section 4.1. *Form of Government.* The Town shall operate under the Mayor-Council form of government, in accordance with Part 3 of Article 7, General Statutes Chapter 160A.

"Section 4.2. *Town Clerk.* The Council shall appoint a Town Clerk to keep a journal of the proceedings of the Council; to maintain in a safe place all records and documents concerning the affairs of the Town; to be the chief administrative official for the Town; and to perform such other duties required by law or as the Council may direct.

"Section 4.3. *Town Tax Collector.* The Council shall appoint a Tax Collector to collect all taxes, licenses, fees and other monies owed to the Town, subject to the applicable provisions of the General Statutes, this Charter and Town ordinances. The Tax Collector shall diligently comply with and enforce all the laws of North Carolina concerning collection of municipal taxes.

"Section 4.4. *Town Attorney.* The Town Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to prosecute and defend suits against the Town; to advise the Mayor, Council and other Town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the Town; to review all agreements, contracts, franchises and other instruments concerning the Town; to attend meetings of the Council; and to perform other duties required by law or as the Council may direct.

"Section 4.5. *Other Administrative Officers and Employees.* Consistent with applicable provisions of the General Statutes, the Council shall appoint a Budget Officer and a Finance Officer, and may appoint other officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Columbus and to consolidate herein certain acts concerning the property, affairs and government of the Town. It is intended to continue without interruption those provisions of prior acts which are expressly consolidated into this act, so that all rights and liabilities which have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify or affect any of the following acts, portions of acts or amendments thereto, whether or not such acts are expressly set forth herein:

(1) Any acts concerning the property, affairs or government of public schools in the Town of Columbus.

(2) Any acts validating, confirming, approving or legalizing official proceedings, actions, contracts or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted or having been consolidated into this act, are hereby repealed:

Chapter 124, Private Laws of 1856-57
Chapter 354, Private Laws of 1895
Chapter 208, Private Laws of 1897
Chapter 326, Private Laws of 1903
Sections 1 through 3 of Chapter 172,

Private Laws of 1933
Chapter 281, Session Laws of 1957
Section 2 of Chapter 719, Session Laws of 1959
Section 2 of Chapter 100, Session Laws of 1961
Chapter 376, Session Laws of 1967
Chapter 663, Session Laws of 1967
Chapter 208, Session Laws of 1981.

Sec. 5. No provision of this act is intended nor shall be construed to affect any rights or interests (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action previously taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law previously repealed expressly or by implication, and no law granting authority which has been exhausted, shall be construed to be revived by any provision of this act.

Sec. 7. All existing ordinances and resolutions of the Town of Columbus and all existing rules or regulations of departments or agencies of the Town not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified or amended.

Sec. 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending on the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by the ratification of this act.

Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed, superseded or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed, superseded or recodified.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1985.

H.B. 169 **CHAPTER 47**

AN ACT TO PROVIDE AN ADDITIONAL PROCEDURE BY WHICH THE CITY OF WINSTON-SALEM MAY ACQUIRE PROPERTY FOR PUBLIC PURPOSES BY EMINENT DOMAIN.

The General Assembly of North Carolina enacts:

Section 1. The City of Winston-Salem shall have the power of eminent domain and may acquire, either by purchase, gift or condemnation, any land, right of access, right-of-way, water right, privilege, easement, or any other interest in or relating to land, water or improvements, either within or without the city limits, for any lawful public use or purpose. In the exercise of the power of eminent domain, the city is vested with all power and authority now or hereafter granted by the laws of North Carolina applicable to the City of Winston-Salem, and the city shall follow the procedures now or hereafter prescribed by said laws; provided that, notwithstanding the provisions of G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property within the city limits to be used for streets and highways, water supply and distribution systems, sewage collection and disposal systems, and airports, the City of Winston-Salem is authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes, as now or hereafter amended; provided further, that whenever therein the words "Secretary" or "Secretary of Transportation" appear, they shall be deemed to include the "City Manager"; provided further that nothing herein shall be construed to enlarge the power of the City of Winston-Salem to condemn property already devoted to public use. The City of Winston-Salem is also vested with the authority to condemn for public library purposes, property, rights, privileges, easements and restrictive covenants and conditions, including any restrictive covenants and conditions applicable to real estate now or hereafter owned, restricting the use of same in any manner whatsoever. This act is supplemental to the powers of the City of Winston-Salem under Chapter 40A of the General Statutes.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1985.

H.B. 178 **CHAPTER 48**

AN ACT TO PERMIT PERSONS TO ENGAGE IN BUSINESS AS PAWNBROKERS IN UNINCORPORATED AREAS OF HARNETT COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of Section 4 of Chapter 1155, Session Laws of 1957, as amended by Chapters 382 and 968, Session Laws of 1983, is amended by adding immediately after the word "Pitt" the word ", Harnett".

Sec. 2. Section 3 of Chapter 169, Session Laws of 1983, as amended by Chapters 382 and 968, Session Laws of 1983, is amended by adding immediately after the word "Pitt" the word ", Harnett".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1985.

H.B. 217 **CHAPTER 49**

AN ACT TO AMEND THE RALEIGH CITY CHARTER CONCERNING ZONING.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Raleigh, Chapter 1184 of the Session Laws of 1949 is amended by substituting a semicolon for the period after the last sentence of Section 100(b) and adding the following language to that section:

"however, the city council may provide for the creation of conditional use zoning districts, and overlay zoning districts and transitional zoning regulations, in addition to general use districts.

It is the purpose and intent of this section to permit the City to create, through the legislative process, general use districts, in which a variety of uses are permitted; conditional use districts, in which limited uses are permitted only upon approval by the City; and overlay zoning districts, which are applied coincidental with a general or conditional use district. Said overlay zoning districts may impose additional regulations on some property within the underlying general or conditional use district and not on all properties within those districts.

A person petitioning for rezoning of a tract of land where conditional use districts or overlay districts are authorized by ordinance, may elect to request a general use district, a conditional use district, or an overlay district for the tract.

If the petitioner elects to petition for the general use or overlay district zoning, and if the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use or overlay district. If the petitioner elects to petition for conditional use district zoning, the petition must specify the actual use or uses, and all other development regulations authorized by State law, which are intended for the property specified in the petition. The intended use or uses and development regulations must be permitted in the corresponding general use district. If the petition is for conditional use district zoning, the city council is to approve or disapprove the petition on the basis of the specific use or uses and development regulations requested."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1985.

H.B. 221 **CHAPTER 50**

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF SHADY FOREST.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1055, Session Laws of 1973, is repealed.

Sec. 2. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1985.

H.B. 224 **CHAPTER 51**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARY CONCERNING ZONING REGULATIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 9.1 of the Charter of the Town of Cary, as enacted by Chapter 868 of the Session Laws of 1971, is amended by adding five new paragraphs at the end to read:

"In addition to the authority conferred upon it by general or local law, the Town of Cary is hereby empowered to create, through the legislative process, general use zoning districts, in which a variety of uses are permitted; conditional use zoning districts, in which limited uses are permitted only upon approval by the Town; overlay zoning districts, which are applied coincidental with the general or conditional use district; and transitional zoning regulations.

The overlay zoning districts may impose additional regulations on some property within the underlying general or conditional use district and not on all properties within those districts.

A person petitioning for rezoning of a tract of land where conditional use districts or overlay districts are authorized by ordinance, may elect to request a general use district, a conditional use district, or an overlay district for the tract. If the petitioner elects to petition for the general use or overlay district zoning, and if the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use or overlay district. If the petitioner elects to petition for conditional use district zoning, the petition must specify the actual use or uses, and all other development regulations authorized by State law, which are intended for the property specified in the petition. The intended use or uses and development regulations must be permitted in the corresponding general use district. If the petition is for conditional use district zoning, the Town Council is to approve or disapprove the petition on the basis of the specific use or uses and development regulations requested. If the petition is approved, the Town Council shall issue a conditional use permit authorizing the requested use with such reasonable conditions as the Town Council determines to be desirable in promoting public health, safety and general welfare.

The conditions contained in a conditional use permit issued by the Town Council may include: location of the proposed use on the property; the

number of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas and other special purpose areas; the timing of development; and such other matters as the Town Council may find appropriate or the petitioner may propose, including architectural review or controls.

It is the further intent of this section to permit the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety and welfare, and ensure that substantial justice be done."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1985.

H.B. 235 **CHAPTER 52**

AN ACT TO PROVIDE THAT THE CABARRUS COUNTY BOARD OF EDUCATION SHALL BE ELECTED AT THE TIME OF THE PRIMARY.

The General Assembly of North Carolina enacts:

Section 1. The Cabarrus County Board of Education shall be elected by the nonpartisan plurality method in accordance with the plan of merger of the Concord City Board of Education and the Cabarrus County Board of Education, except that the election shall be held on the date of the primary election as set by G.S. 163-1(b). Candidates shall file for office during the same period for filing notice of candidacy for county officers under G.S. 163-106(c).

Sec. 2. Chapter 372, Session Laws of 1979 and Chapter 121, Session Laws of 1983 are repealed.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1985.

H.B. 246 **CHAPTER 53**

AN ACT TO CLARIFY THE EMPLOYMENT SECURITY LAW TO ASSURE COMPLIANCE WITH FEDERAL LAW REGARDING THE EMPLOYEES OF EDUCATIONAL SERVICE AGENCIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-13(b)(1) is amended in the last sentence by inserting immediately before the period the following:

"or who performs such services in an educational institution while in the employ of an educational service agency. As used in this subsection, the term 'educational service agency' means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing services to an educational institution".

Sec. 2. This act is effective March 3, 1985, and applies to claims weeks beginning on or after that date.

In the General Assembly read three times and ratified, this the 1st day of April, 1985.

S.B. 105 **CHAPTER 54**

AN ACT TO AMEND CHAPTER 20 TO GRANDFATHER TRUCK WEIGHT LIMITATIONS FOR PACKAGED FERTILIZER AND AGRICULTURAL LIME.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-118(i)(2) is amended by:

(1) Deleting the word "and" from the end of subdivision f.;

(2) Changing the period at the end of subdivision g. to a comma and adding the word "and" after the comma; and

(3) Adding a new subdivision to read:

"h. Vehicles transporting only packaged fertilizer or packaged agricultural lime."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1985.

H.B. 202 **CHAPTER 55**

AN ACT TO PROVIDE THAT IN CERTAIN CIRCUMSTANCES VACANCIES IN THE BOARD OF EDUCATION OF WATAUGA COUNTY BE FILLED ONLY UNTIL THE NEXT GENERAL ELECTION.

The General Assembly of North Carolina enacts:

Section 1. Section 5 of Chapter 1254, Session Laws of 1967, as amended by Chapter 1260, Session Laws of 1969, is rewritten to read:

"Section 5. (a) Except as provided in subsection (b) of this section, all vacancies occurring in the membership of the Watauga County Board of Education by death, resignation or other causes shall be filled by the Board by appointment of some qualified citizen of Watauga County to serve for the remainder of the unexpired term.

(b) All vacancies in four-year terms occurring in the membership of the Watauga County Board of Education by death, resignation or other causes during the period ending at noon on the fourteenth day before the close of time for filing notices of candidacy under G.S. 163-106(c) for the next succeeding election for members of the Board of Education, shall be filled by the remaining members of the Board by appointment of some qualified citizen of Watauga County to serve until the next election of members of the Board of Education, at which time the remaining unexpired term of the office shall be filled by election. The election to fill the vacancy shall be conducted in a group along with the elections for the full terms. The nominees receiving the two highest numbers of votes shall be elected for four-year terms, and the nominees receiving the next two highest numbers of votes shall be elected for two-year terms. A primary election shall be held if more than eight candidates file, and if a primary

is held, the eight candidates receiving the highest number of votes shall be the nominees. If two or more vacancies are being filled under this subsection, then the rules for determining the results and holding of the primary and the general election shall be mathematically adjusted by the Watauga County Board of Elections according to the mathematical principles of this subsection."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1985.

H.B. 233 **CHAPTER 56**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GARYSBURG.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Garysburg is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF GARYSBURG.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. *Incorporation.* The Town of Garysburg, North Carolina, in Northampton County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Garysburg,' hereinafter at times referred to as the 'Town'.

"Section 1.2. *Powers.* The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Garysburg specifically by this Charter or upon municipal corporations generally.

"Section 1.3. *Corporate Limits.* The corporate limits shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town Clerk,and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made, and copies shall be filed in the offices of the Secretary of State, the Northampton County Register of Deeds and the appropriate board of elections.

"ARTICLE II. MAYOR AND BOARD OF COMMISSIONERS.

"Section 2.1. *Governing Body.* The Mayor and Board of Commissioners shall be the governing body of the Town. On behalf of the Town, and in accordance with applicable provisions of the General Statutes, the Mayor and the Board may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Section 2.2. *Board of Commissioners; Composition; Terms of Office.* The Board of Commissioners, hereinafter referred to at times as the 'Board,' shall be composed of five members elected for terms of two years, or until their successors are elected and qualified.

"Section 2.3. *Mayor; Term of Office; Duties.* The Mayor shall be elected for a term of two years, or until his or her successor is elected and qualified; shall be the official head of the Town government and preside at all meetings of the Board; shall have the right to vote only when there is an equal division on any question or matter before the Board; and shall exercise the powers and duties conferred by law or as directed by the Board.

"Section 2.4. *Mayor Pro Tempore.* The Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in accordance with applicable provisions of the General Statutes. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the other members of the Board.

"Section 2.5. *Meetings of the Board.* In accordance with applicable provisions of the General Statutes, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided in the General Statutes.

"Section 2.6. *Ordinances and Resolutions.* The adoption, amendment, repeal, pleading, and proving of Town ordinances and resolutions shall be in accordance with applicable provisions of the General Statutes. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board.

"Section 2.7. *Voting Requirement; Quorum.* Official actions of the Board and all votes shall be taken in accordance with applicable voting and quorum provisions of the General Statutes, particularly G.S. 160A-74 and 160A-75.

"Section 2.8. *Qualifications for Office; Vacancies; Compensation.* The compensation of Board members, the filling of vacancies on the Board and the qualifications of Commissioners shall be in accordance with applicable provisions of the General Statutes.

"ARTICLE III. ELECTIONS

"Section 3.1. *Regular Municipal Elections.* Regular municipal elections shall be held in each odd numbered year in accordance with the uniform municipal election laws of North Carolina. The Mayor and Commissioner shall be elected by the voters of the Town on an at large basis, by the nonpartisan plurality method of election.

"Section 3.2. *Election of the Commissioners.* The Commissioners serving on the date of ratification of this Charter may continue to serve until expiration of their terms, or until their successors are elected and qualified. At the regular municipal election in 1985, and every two years thereafter, there shall be elected five Commissioners to serve terms of two years.

"Section 3.3. *Election of the Mayor.* The Mayor serving on the date of ratification of this Charter may continue to serve until the expiration of his or her term, or until a successor is elected and qualified. At the regular

municipal election in 1985 and every two years thereafter, there shall be elected a Mayor to serve as provided in Article II of this Charter.

"Section 3.4. *Special Elections and Referendums.* Special elections and referendums may be held only as provided in applicable provisions of the General Statutes or local acts of the General Assembly.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION

"Section 4.1. *Form of Government.* The Town shall operate under the Mayor-Council form of government, in accordance with Part 3 of Article 7, General Statutes Chapter 160A.

"Section 4.2. *Town Clerk.* The Board shall appoint a Town Clerk to keep a journal of the proceedings of the Board; to maintain in a safe place all records and documents concerning the affairs of the Town; to be the chief administrative official for the Town; and to perform such other duties required by law or as the Board may direct.

"Section 4.3. *Town Tax Collector.* The Board shall appoint a Tax Collector to collect all taxes, licenses, fees and other monies owed to the Town, subject to the applicable provisions of the General Statutes, this Charter and Town ordinances. The Tax Collector shall diligently comply with and enforce all the laws of North Carolina concerning collection of municipal taxes.

"Section 4.4. *Town Attorney.* The Board of Commissioners shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to prosecute and defend suits against the Town; to advise the Mayor, Board and other Town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the Town; to review all agreements, contracts, franchises and other instruments concerning the Town; to attend meetings of the Board; and to perform other duties required by law or as the Board may direct.

"Section 4.5. *Other Administrative Officers and Employees.* Consistent with applicable provisions of the General Statutes, the Board shall appoint a Budget Officer and a Finance Officer, and may appoint other officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Garysburg and to consolidate herein certain acts concerning the property, affairs and government of the Town. It is intended to continue without interruption those provisions of prior acts which are expressly consolidated into this act, so that all rights and liabilities which have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify or affect any of the following acts, portions of acts or amendments thereto, whether or not such acts are expressly set forth herein:

(1) Any acts concerning the property, affairs or government of public schools in the Town of Garysburg.

(2) Any acts validating, confirming, approving or legalizing official proceedings, actions, contracts or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted or having been consolidated into this act, are hereby repealed:

Chapter 344, Private Laws of 1891
Chapter 334, Private Laws of 1907
Chapter 34, Private Laws of 1917
Chapter 1030, Session Laws of 1959
Chapter 1091, Session Laws of 1963
Chapter 817, Session Laws of 1967
Chapter 893, Session Laws of 1973

Sec. 5. No provision of this act is intended nor shall be construed to affect any rights or interest (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action previously taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law previously repealed expressly or by implication, and no law granting authority which has been exhausted, shall be construed to be revived by any provision of this act.

Sec. 7. All existing ordinances and resolutions of the Town of Garysburg and all existing rules or regulations of departments or agencies of the Town not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified or amended.

Sec. 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending on the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by the ratification of this act.

Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed, superseded or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed, superseded or recodified.

Sec. 11. The direct elections of the Mayor of the Town of Garysburg in previous years, and all actions of the Board of Commissioners taken without the vote of the Mayor, are hereby expressly ratified and validated, even though contrary to the provisions of the Charter as it existed at those times.

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1985.

H.B. 247 **CHAPTER 57**

AN ACT TO AMEND THE EMPLOYMENT SECURITY LAW TO ENCOURAGE EMPLOYER PARTICIPATION IN ADULT COOPERATIVE EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-8(6)k.14 is amended by deleting the phrase "under the age of 22".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1985.

H.B. 158 **CHAPTER 58**

AN ACT TO REGULATE TERMS OF TRUSTEES OF INSTITUTIONS OF THE COMMUNITY COLLEGE SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-13 is rewritten as follows:

"(a) As the terms of members serving on boards of trustees on June 30, 1985, expire, except for the ex officio member, their successors shall be appointed for four-year terms.

(b) All terms shall commence on July 1 of odd-numbered years."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1985.

H.B. 160 **CHAPTER 59**

AN ACT REPEALING THE AUTHORITY OF ABC STORES TO SELL NATIVE UNFORTIFIED WINE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-800(b) is rewritten to read:

"(b) Fortified Wine. In addition to spirituous liquor, ABC stores may sell fortified wine."

Sec. 2. G.S. 18B-804(d) is repealed.

Sec. 3. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 4th day of April, 1985.

S.B. 59 **CHAPTER 60**

AN ACT TO AMEND THE STATUTES RELATING TO THE ELECTION OF COUNCILORS TO THE NORTH CAROLINA STATE BAR IN ORDER TO PROVIDE FOR UNIFORM RULES AND TERMS OF OFFICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 84-17 is amended by adding a new sentence at the end of the second unnumbered paragraph to read as follows:

"A councilor whose seat has been eliminated due to a reallocation shall continue to serve on the council until expiration of the remainder of the current term."

Sec. 2. G.S. 84-18(a) is amended by rewriting the first sentence to read as follows:

"Except as set out in this section, the terms of councilors are fixed at three years commencing on the first day of January in the year following their election. A year shall be the calendar year."

Sec. 3. G.S. 84-18(b) is rewritten to read as follows:

"(b) The State Bar Council may promulgate rules to govern the election and appointment of councilors. The election and appointment of councilors shall be as follows:

Each judicial district bar shall elect one eligible North Carolina State Bar member for each State Bar Council vacancy in the district. Any vacancy occurring after the election, whether caused by resignation, death or otherwise shall be filled by the judicial district bar in which the vacancy occurs. The appointment shall be for the unexpired portion of the term and shall be certified to the State Bar Council by the judicial district bar. Any appointed councilor shall be subject to the terms set forth in subsection (a) of G.S. 84-18."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1985.

H.B. 88 **CHAPTER 61**

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE THAT FUTURE GOVERNORS AND LIEUTENANT GOVERNORS MAY NOT SUCCEED THEMSELVES, AND TO MAKE A CONFORMING CHANGE TO THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. Article III of the Constitution of North Carolina is amended by rewriting the last sentence of subsection (2) of Section 2 to read: "No person elected to the office of Governor or Lieutenant Governor shall be eligible for election to the next succeeding term of the same office, except that a person elected to the office of Governor or Lieutenant Governor in 1984 shall be eligible for election to the same office in 1988."

Sec. 2. The amendment set forth in Section 1 of this act shall be submitted to the qualified voters of the State at the next general election

in November of 1986, which election shall be conducted under the laws then governing elections in the State. At that election, each qualified voter who desires to vote shall be provided a ballot on which shall be printed the following:

"☐ FOR ☐ AGAINST

A constitutional amendment prohibiting future Governors and Lieutenant Governors from succeeding themselves, except that the present Governor and Lieutenant Governor may be re-elected in the 1988 General Election."

Those qualified voters favoring the amendment shall vote by marking an "X" or a check mark in the square beside the word "FOR", and those qualified voters opposed to the amendment shall vote by marking an "X" or a check mark in the square beside the word "AGAINST".

Notwithstanding the foregoing provisions of this section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

Sec. 3. If a majority of votes cast thereon are in favor of the constitutional amendment, the State Board of Elections shall certify the amendment to the Secretary of State who shall enroll the amendment so certified among the permanent records of his office. The constitutional amendment shall become effective upon certification.

Sec. 4. G.S. 143-13 is amended by deleting "other than when a Governor is elected for a second successive term".

Sec. 5. Section 4 of this act shall take effect only upon approval of the voters of the constitutional amendment set forth in Section 1 of this act. If the constitutional amendment proposed in that section is approved by the voters, Section 4 of this act shall become effective July 1, 1992.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1985.

H.B. 91 **CHAPTER 62**

AN ACT TO PROVIDE FOR NOMINATION OF MEMBERS OF THE STATE BOARD OF ELECTIONS BY THE STATE POLITICAL PARTY CHAIRMEN, AND CONCERNING THE TERM OF OFFICE OF THE EXECUTIVE SECRETARY-DIRECTOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-19 is amended by adding the following new sentence at the end of the second paragraph thereof:

"The Governor shall appoint the members from a list of nominees submitted to him by the State party chairman of each of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board of Elections. Each party chairman shall submit a list of five nominees who are affiliated with that political party."

Sec. 1.1. G.S. 163-19 is amended by adding the following new language at the end of the third paragraph:

"The Governor shall fill the vacancy from a list of three nominees submitted to him by the State party chairman of the political party that nominated the vacating member as provided by the preceding paragraph. The three nominees must be affiliated with that political party."

Sec. 2. G.S. 163-27 is amended by deleting "1977", and inserting in lieu thereof "1989".

Sec. 3. This act is effective upon ratification, except that Section 1.1 applies to vacancies occurring on or after May 1, 1985.

In the General Assembly read three times and ratified, this the 5th day of April, 1985.

S.B. 108 **CHAPTER 63**

AN ACT TO ALLOW ROWAN COUNTY ORDINANCES REGULATING WASTE DISPOSAL TO APPLY COUNTYWIDE, AND TO AUTHORIZE ROWAN COUNTY TO ENTER INTO LONG TERM CONTRACTS FOR DISPOSAL OF SOLID WASTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-132.1 is amended by deleting the words "the rural areas of the county and outside and beyond the corporate limits of any municipality of".

Sec. 2. Any ordinance adopted under G.S. 153A-132.1 or G.S. 153A-136 may become effective countywide notwithstanding the provisions of G.S. 153A-122, and may apply to activities of cities and towns, and may provide that it supersedes a city or town ordinance on the same subject.

Sec. 3. G.S. 153A-299.6 is amended by adding immediately after the words "Pitt County," the words "Rowan County".

Sec. 4. This act applies to Rowan County only.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1985.

S.B. 109 **CHAPTER 64**

AN ACT TO PROVIDE A SIXTH WARD FOR THE CITY OF NEW BERN, AND TO PROVIDE THAT THE MAYOR COUNTS TOWARD A QUORUM AND TOWARDS THE NUMBER OF VOTES NECESSARY TO PASS AN ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. Section 2(b) of Chapter 174, Session Laws of 1983, is amended by deleting "five" and substituting "six".

Sec. 2. Sections 4, 12, and 25 of the Charter of the City of New Bern, being Chapter 1281, Session Laws of 1957, are amended by deleting "five" and substituting "six".

Sec. 3. Section 26 of the Charter of the City of New Bern, being Chapter 1281, Session Laws of 1957, is rewritten to read:

"Sec. 26. City Divided Into Wards. The board of aldermen shall divide the city into six wards. Once established, the boundaries of the wards may be changed as provided by Section 27 of this act or by G.S. 160A-23."

Sec. 4. Section 6 of Chapter 1281, Session Laws of 1957, as amended by Chapter 266, Session Laws of 1983, is amended by adding the following at the end:

"For the purposes of Sections 8, 9, and 10 of this act, the mayor shall be considered to be an elected member of the board of aldermen."

Sec. 5. Sections 1 and 2 of this act are effective beginning with the 1985 municipal election, and the board of aldermen shall consist of six members beginning with the organizational meeting following the election. The remainder of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1985.

S.B. 117 **CHAPTER 65**

AN ACT TO AMEND CHAPTER 381 OF THE PRIVATE LAWS OF NORTH CAROLINA, 1905, AS IT RELATES TO THE DESIGNATION OF THE KINGS MOUNTAIN GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 381 of the Private Laws of North Carolina, 1905, is amended by deleting the words "Kings Mountain Graded School District", wherever they appear and inserting in lieu thereof the words "Kings Mountain District Schools".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1985.

H.B. 76 **CHAPTER 66**

AN ACT TO REQUIRE VEHICLE HEADLIGHTS TO BE ILLUMINATED FROM SUNSET TO SUNRISE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-129(a) is amended by deleting the words "from a half hour after sunset to a half hour before sunrise" and substituting "from sunset to sunrise".

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 8th day of April, 1985.

H.B. 151 **CHAPTER 67**

AN ACT TO TREAT ADOPTED AND NATURAL PERSONS ALIKE FOR PURPOSES OF GRANTS AND DEVISES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 48-23(3) is amended by adding the following two sentences at the end to read:

"The use of the phrase 'hereafter born' or similar language in any deed, grant, will, or other written instrument to establish a class of persons shall not by itself be sufficient to exclude adopted persons from inclusion within the class. This subdivision applies to instruments executed before October 1, 1985."

Sec. 2. G.S. 48-23(4) is rewritten to read:

"(4) Where an interlocutory decree has been entered in an adoption proceeding and one of the petitioners dies before the final order of adoption is entered, if the spouse of the deceased petitioner later obtains a final order of adoption, then:

a. The child shall have the status defined in subdivisions (1) and (3) of this section with respect to the deceased petitioner;

b. The child shall be entitled to inherit real and personal property by, through, and from the deceased petitioner in accordance with the statutes relating to intestate succession and shall be held to be the 'child,' 'grandchild,' 'heir,' 'issue,' 'descendant,' or an equivalent, of the deceased petitioner;

c. The use of the word 'child,' 'grandchild,' 'heir,' 'issue,' or 'descendant,' or any word of like import in any deed, grant, will, or other written instrument executed by the deceased petitioner shall be held to include the child, whenever appropriate, unless the contrary plainly appears by its terms; and

d. The use of the phrase 'hereafter born' or similar language in any deed, grant, will or other written instrument executed by the deceased petitioner to establish a class of persons shall not by itself be sufficient to exclude the child from the class. This subdivision applies to instruments executed before October 1, 1985."

Sec. 3. G.S. 48-23 is amended by adding a new subdivision (5) to read:

"(5) From and after the entry of the final order of adoption, any reference to a natural person in any deed, grant, will, or other written instrument executed on or after October 1, 1985, shall include any adopted person unless the instrument explicitly states that adopted persons are excluded, whether the instrument was executed before or after the entry of the final order of adoption."

Sec. 4. G.S. 48-23 is amended by adding a new subdivision (6) to read:

"(6) Where an interlocutory decree has been entered in an adoption proceeding and one of the petitioners dies before the final order of adoption is entered, if the spouse of the deceased petitioner later obtains a final order of adoption, any reference to a natural person in any deed, grant, will, or other written instrument executed by the deceased petitioner on or after October 1, 1985, shall include the child unless the instrument explicitly states that adopted persons are excluded."

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 10th day of April, 1985.

H.B. 163 **CHAPTER 68**

AN ACT REGARDING LIQUOR PRICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-804(b) is amended by inserting in the language preceding subdivision (1) between the words "liquor" and "shall" the phrase "sold at the uniform State price".

Sec. 2. G.S. 18B-805 is amended by adding a new subsection to read:

"(i) Calculation of Statutory Distributions When Liquor Sold at Less Than Uniform Price. If a local board sells liquor at less than the uniform State price, distributions required by subsections (b) and (c) shall be calculated as though the liquor was sold at the uniform price."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1985.

H.B. 164 **CHAPTER 69**

AN ACT TO REDEFINE UNFORTIFIED WINE IN THE ABC LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-101(15) is amended by deleting the phrase "not less than six percent (6%) and".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1985.

H.B. 226 **CHAPTER 70**

AN ACT TO VALIDATE CERTAIN CONVEYANCES WHERE SEALS WERE OMITTED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 45-20.1 is amended by deleting "May 1, 1983" and substituting "April 1, 1985".

Sec. 2. G.S. 47-51 is amended by deleting "May 1, 1983" and substituting "April 1, 1985".

Sec. 3. G.S. 47-53 is amended by deleting "May 1, 1983" and substituting "April 1, 1985".

Sec. 4. G.S. 47-53.1 is amended by deleting "May 1, 1983" and substituting "April 1, 1985".

Sec. 5. G.S. 47-71.1 is amended by deleting "*January, 1981*" and "May 1, 1983" and substituting "*April 1, 1985*" and "April 1, 1985" respectively.

Sec. 6. G.S. 47-108.5 is amended by deleting "May 1, 1983" and substituting "April 1, 1985".

Sec. 7. G.S. 47-108.11 is amended by deleting "May 1, 1983" and substituting "April 1, 1985".

Sec. 8. This act is effective upon ratification and shall not affect pending litigation.

In the General Assembly read three times and ratified, this the 10th day of April, 1985.

H.B. 227 **CHAPTER 71**

AN ACT TO VALIDATE CERTAIN ACTS OF NOTARIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 10-12(d) is amended by deleting "April 1, 1983" and substituting "April 1, 1985".

Sec. 2. G.S. 10-16.1 is amended by deleting "July 1, 1979" and substituting "April 1, 1985".

Sec. 3. This act is effective upon ratification. Nothing herein shall affect pending litigation.

In the General Assembly read three times and ratified, this the 10th day of April, 1985.

S.B. 43 **CHAPTER 72**

AN ACT TO AUTHORIZE THE EXPENDITURE OF PRIVATE GIFTS FOR A NEW DORMITORY AND INFIRMARY AT THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

The General Assembly of North Carolina enacts:

Section 1. The amount of funds that may be spent by the North Carolina School of Science and Mathematics for its new dormitory and infirmary capital improvement project is increased by four hundred eighty thousand dollars ($480,000). This increase shall be totally funded with gifts to the School.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1985.

H.B. 239 **CHAPTER 73**

AN ACT TO PERMIT CERTAIN NONSTUDENTS TO RIDE ON SCHOOL BUSES IN HYDE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, the Hyde County Board of Education may permit the use of school buses to transport persons not otherwise entitled to use a bus who are enrolled in a program designed to educate persons with special needs if the program

is sponsored by the Tideland Mental Health Center at the Mattamuskeet Opportunities Center at Fairfield.

The Hyde County Board of Education may permit the use and operation of buses as allowed by this act under rules and regulations they adopt.

The Tideland Mental Health Center shall reimburse the Hyde County Board of Education for any cost it incurs in transporting pupils pursuant to the provisions of this act. Reimbursement costs shall be determined pursuant to rules adopted by the State Board of Education.

For purposes of this act, a person with special needs is defined as any person who is mentally handicapped, without regard to age.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1985.

H.B. 241 **CHAPTER 74**

AN ACT TO APPROVE THE PRIVATE SALE OF REAL PROPERTY BY THE ALBEMARLE CITY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S. 115C-518, the private sale of real property by the Board of Education of the Albemarle City Administrative Unit as reflected by an instrument of conveyance dated April 20, 1984, which is recorded in Deed Book 340, Page 845, in the Office of the Register of Deeds for Stanly County, North Carolina, be and the same is hereby ratified, confirmed and approved.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1985.

H.B. 260 **CHAPTER 75**

AN ACT TO REPEAL CHAPTER 318 OF THE 1967 SESSION LAWS AND BRING DARE COUNTY UNDER THE GENERAL STATUTES GOVERNING ALCOHOLIC BEVERAGE CONTROL CONCERNING ENFORCEMENT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 318 of the 1967 Session Laws is repealed.

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 11th day of April, 1985.

H.B. 297 **CHAPTER 76**

AN ACT TO PERMIT THE TOWN OF WAKE FOREST TO UTILIZE CONDITIONAL USE ZONING DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Wake Forest, being Chapter 273, Session Laws of 1973 is amended by adding a new Article to read:

"ARTICLE XIV.
"Zoning.

"Sec. 14.1. Conditional Use Zoning Districts. In addition to the powers granted to the Town in G.S. 160A-381 *et seq.*, the Town may provide for the creation of conditional use zoning districts.

It is the purpose and intent of this section to permit the Town to create, through the legislative process, both general use districts, in which a variety of uses are permitted, and conditional use districts, in which limited uses are permitted only upon approval by the Town.

A person petitioning for rezoning of a tract of land where conditional use districts are authorized by ordinance, may elect to request a general use district or a conditional use district for the tract. If the petitioner elects to petition for the general use zoning, and if the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district. If the petitioner elects to petition for conditional use district zoning, the petition must specify the actual use or uses which are intended for the property specified in the petition. If the petition is for conditional use district zoning, the Town is to approve or disapprove the petition on the basis of the specific use or uses requested."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1985.

H.B. 298 **CHAPTER 77**

AN ACT TO PERMIT THE TOWN OF ZEBULON TO UTILIZE CONDITIONAL USE ZONING DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Zebulon, being Chapter 386, Session Laws of 1973 is amended by adding a new section to read:

"Sec. 10.4. Conditional Use Zoning Districts. In addition to the powers granted to the Town in G.S. 160A-381 *et seq.*, the Town may provide for the creation of conditional use zoning districts.

It is the purpose and intent of this section to permit the Town to create, through the legislative process, both general use districts, in which a variety of uses are permitted, and conditional use districts, in which limited uses are permitted only upon approval by the Town.

A person petitioning for rezoning of a tract of land where conditional use districts are authorized by ordinance, may elect to request a general use district or a conditional use district for the tract. If the petitioner

elects to petition for the general use zoning, and if the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district. If the petitioner elects to petition for conditional use district zoning, the petition must specify the actual use or uses which are intended for the property specified in the petition. If the petition is for conditional use district zoning, the Town is to approve or disapprove the petition on the basis of the specific use or uses requested."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1985.

H.B. 314 **CHAPTER 78**

AN ACT TO AUTHORIZE BLOCK GRANT FUNDS FOR CERTAIN OFFICIALS OF THE TOWN OF ELON COLLEGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-234 does not apply to the receipt by an elected city official of services and assistance for the rehabilitation of his principal residence pursuant to a Community Development Block Grant for community revitalization awarded by the Department of Natural Resources and Community Development before the date the local official took office.

Sec. 2. This act applies only to the Town of Elon College.

Sec. 3. This act is effective upon ratification and applies to Community Development Block Grants for community revitalization awarded on or after October 1, 1983.

In the General Assembly read three times and ratified, this the 11th day of April, 1985.

H.B. 324 **CHAPTER 79**

AN ACT TO AUTHORIZE THE CITY OF BREVARD TO ENTER INTO LONG-TERM CONTRACTS TO ESTABLISH A COMMUNITY ARTS FACILITY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes or any other applicable provision of law, the City of Brevard may enter into one or more contracts with the Transylvania County Arts Council, Incorporated, a North Carolina nonprofit corporation, upon such terms and of such duration as the City Council deems wise, for the purpose of establishing and operating a community arts facility on that property owned by the City known as "The Clemson Theatre".

Sec. 2. This act shall not be deemed to limit or restrict any power or authority contained in G.S. 160A-488 or any other provision of law.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1985.

S.B. 51 **CHAPTER 80**

AN ACT TO REPEAL LOCAL LEGISLATION PERMITTING THE SALE OF ROCK FISH IN HALIFAX AND NORTHAMPTON COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1304 of the 1959 Session Laws is repealed.

Sec. 2. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

S.B. 132 **CHAPTER 81**

AN ACT TO REPEAL THE LIMITATION ON THE NUMBER OF MEMBERS OF A POLITICAL PARTY WHO MAY SERVE ON THE ASHEBORO CITY BOARD OF EDUCATION, AND TO CLARIFY THAT ABSENTEE VOTING IS ALLOWED.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of Section 2 of Chapter 35, Session Laws of 1957, as rewritten by Chapter 310, Session Laws of 1973, is repealed.

Sec. 2. Section 4 of Chapter 35, Session Laws of 1957, is amended by deleting "The persons elected at any election shall not include more persons of any one political party than will increase the number of such persons of such political party who are members of such board to more than seven."

Sec. 3. Absentee voting in elections for the Asheboro City Board of Education shall be allowed as provided by Subchapter VII of Chapter 163 of the General Statutes.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.B. 6 **CHAPTER 82**

AN ACT TO REMOVE THE REPORTING REQUIREMENTS FOR ESTATES OF LESS THAN ONE HUNDRED THOUSAND DOLLARS IN VALUE.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 105-22 is amended by deleting the phrase "seventy-five thousand dollars ($75,000)" and substituting the phrase "one hundred thousand dollars ($100,000)".

Sec. 2. The second paragraph of G.S. 105-23 is amended by deleting the phrase "seventy-five thousand dollars ($75,000)" and substituting the phrase "one hundred thousand dollars ($100,000)".

Sec. 3. The second sentence of G.S. 28A-21-2(a) is amended by deleting the phrase "seventy-five thousand dollars ($75,000)" and substituting the phrase "one hundred thousand dollars ($100,000)".

Sec. 4. This act shall become effective July 1, 1985, and shall apply to the estates of decedents dying on or after that date.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.B. 14 **CHAPTER 83**

AN ACT TO CLARIFY THE SCOPE OF THE INHERITANCE TAX EXEMPTION FOR PROPERTY PASSING TO A CHARITABLE, RELIGIOUS, OR EDUCATIONAL ORGANIZATION OR FOR A CHARITABLE, RELIGIOUS, OR EDUCATIONAL PURPOSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-3(2) is amended by deleting the phrase "benevolent," and the phrase ", benevolent,".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.B. 15 **CHAPTER 84**

AN ACT TO EXTEND THE INCOME TAX EXCLUSION FOR CERTAIN EMPLOYEE DEATH BENEFITS TO SIMILAR DEATH BENEFITS OF SELF-EMPLOYED INDIVIDUALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-141(b)(11) is amended by adding a new sentence to read:

"In the case of amounts paid or distributed by a trust described in section 401(a) of the Code and exempted from federal income tax under section 501(a) of the Code or under a plan described in section 403(a) of the code, the term 'employee', as used in this subdivision, includes a self-employed individual."

Section. 2. This act is effective for taxable years beginning on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.B. 30 **CHAPTER 85**

AN ACT TO ALLOW CERTAIN MEMBERS OF THE ARMED FORCES WHO ARE ON EXTENDED ACTIVE DUTY A LONGER PERIOD OF TIME IN WHICH TO ROLL OVER GAIN ON THE SALE OF THEIR PRINCIPAL RESIDENCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-144.2(h) is rewritten to read:

"(h) Members of the Armed Forces. The running of a period of time specified in this section is suspended for a member of the United States

Armed Forces for the same length of time it is suspended under Section 1034 of the Code."

Sec. 2. This act is effective upon ratification and applies to residences sold after July 18, 1984.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.B. 49 **CHAPTER 86**

AN ACT TO ALLOW SPOUSES TO SHARE THEIR ANNUAL GIFT TAX EXCLUSIONS ONLY IF BOTH SPOUSES ARE RESIDENTS OF NORTH CAROLINA AND TO MAKE CONSENT TO SHARE ANNUAL EXCLUSIONS IRREVOCABLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-188(d) is amended by deleting the period at the end of that subsection and adding the following to read:

"and both spouses are residents of this State when the gift is made. Consent to share annual gift tax exclusions shall be made in writing on a timely filed gift tax return. Once given, consent to share annual exclusions is irrevocable."

Sec. 2. This act is effective upon ratification and applies to gifts and transfers made on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.B. 50 **CHAPTER 87**

AN ACT TO ELIMINATE THE NECESSITY OF OBTAINING AN INHERITANCE TAX WAIVER FOR SECURITIES DECLARED AND INTEREST ACCRUING AFTER THE DECEDENT'S DEATH.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-24 is amended by inserting a new sentence between the first and second sentences of that section to read:

"Securities whose declaration date is after the decedent's death, or interest that accrues after the decedent's death on money on deposit at a bank, savings and loan association, credit union, or other corporation, however, may be transferred or delivered without retaining a portion of the property for the payment of taxes or interest and without obtaining the written consent of the Secretary to the delivery or transfer."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.B. 73 **CHAPTER 88**

AN ACT TO ALLOW A DIVORCED OR SEPARATED PARENT TO CLAIM AN INCOME TAX DEDUCTION FOR EXPENSES FOR MEDICAL CARE FOR HIS CHILD, REGARDLESS WHETHER THE PARENT PROVIDED OVER ONE-HALF HIS CHILD'S SUPPORT FOR THE TAXABLE YEAR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-147(11)b.3. is amended by adding a new sentence to read:

"For purposes of this subdivision, a child whose parents are divorced or are living separate and apart with the intent to remain apart and who is a dependent of one of the parents is considered a dependent of both parents."

Sec. 2. This act is effective for taxable years beginning on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.B. 161 **CHAPTER 89**

AN ACT AUTHORIZING RETAIL BUSINESSES TO OBTAIN AN ABC PERMIT TO SELL UNFORTIFIED WINE FOR OFF-PREMISES CONSUMPTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-1001(4) is amended by deleting from the second sentence the word "food" and substituting the word "retail".

Sec. 2. G.S. 18B-1001(3) is amended by adding a new sub-subdivision to read: "h. winery."

Sec. 3. G.S. 18B-1001(5) is amended by adding a new sub-subdivision to read: "e. winery."

Sec. 4. G.S. 18B-1101(5) is amended by rewriting subdivision (5) to read:

"(5) Regardless of the results of any local wine election, sell the winery's wine for on- or off-premise consumption upon obtaining the appropriate permit under G.S. 18B-1001."

Sec. 5. G.S. 18B-1102(5) is amended by rewriting subdivision (5) to read:

"(5) Regardless of the results of any local wine election, sell the winery's wine for on- or off-premise consumption upon obtaining the appropriate permit under G.S. 18B-1001."

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.B. 250 **CHAPTER 90**

AN ACT TO VERIFY THE BOUNDARIES OF THE TOWN OF KING.

The General Assembly of North Carolina enacts:

Section 1. Article II of the Charter of the Town of King, being Chapter 351, Session Laws of 1983, is rewritten to read:

"Article II.
"Corporate Boundaries.

"Sec. 2.1. Until changed in accordance with law, the boundaries of the Town are:

"CORPORATE BOUNDARIES"

BEGINNING at a point on the Stokes-Forsyth County line where it intersects the midpoint of U.S. 52; thence northeastwardly parallel to King-Tobaccoville Rd. (S.R. 1112) remaining 300 feet from the center of said road to a point of intersection with the southern boundary of Tract 55, Stokes County Tax Map (SCTM) 83; thence westwardly, then northwardly following the southern and western boundaries of Tract 55, SCTM 83, to a point of intersection with the southern boundary of Tract 58, SCTM 83; thence westwardly following the northern boundary of Tract 43, SCTM 83, to a point of intersection with the southwestern corner of Worthingway Subdivision Plat referenced as SCTM 83-F; thence northwardly following the eastern boundary of Tract 65, SCTM 83, to a point of intersection with the southeastern corner of Tract 64, SCTM 83; thence southwestwardly following the northern boundary of Tract 65, SCTM 83, to a point of intersection with the eastern boundary of Tract 41, SCTM 83; thence southwardly, then westwardly following the eastern and southern boundaries of Tract 41, SCTM 83, to a point of intersection with the northeastern right-of-way boundary of U.S. 52; thence westwardly to the midpoint of U.S. 52; thence northwestwardly following the center of U.S. 52 to a point due South of the southwestern corner of Meadowbrook Estates Subdivision Plat referenced as SCTM 72-A; thence due North to a point of intersection with said southwestern corner of SCTM 72-A; thence northeastwardly following the western boundary of SCTM 72-A, to a point of intersection with Crooked Run Creek; thence upstream following the meanders of said creek to a point of intersection with the western boundary of Tract 3, SCTM 83; thence northwardly, then eastwardly following the western and northern boundaries of said Tract 3, SCTM 83, to a point of intersection with Crooked Run Creek; thence northeastwardly following the meanders of said creek to a point of intersection with the western boundary of Westview Subdivision Plat referenced as SCTM 83-D; thence northeastwardly following the western boundary of SCTM 83-D, to a point of intersection with the northern right-of-way boundary of Westview Drive. (S.R. 1110); thence westwardly with the northern right-of-way boundary of Westview Dr. (S.R. 1110) to a point of intersection with the southwestern corner of King Recreation Acres Park easement; thence northwestwardly following said easement boundary to a

point of intersection with the southern boundary of King Recreation Acres Park addition; thence southwestwardly following the southern boundary of said addition to the southwestern corner of said addition; thence northwardly following the western boundary of said Park addition to a point of intersection with the southeast corner of Tract 52, SCTM 82; thence westwardly following the southern boundary of Tract 52, SCTM 82, crossing White Rd. (S.R. 1107) to a point of intersection with the western right-of-way boundary of said White Rd. (S.R. 1107); thence northeastwardly following said western right-of-way boundary to a point of intersection with the southern right-of-way boundary of Dalton Rd. (S.R. 1127); thence continuing northeastwardly and crossing Dalton Rd. (S.R. 1127), the Norfolk and Southern Railway right-of-way, and Old U.S. 52 (S.R. 1236) to the southwestern corner of Tract 13, SCTM 82, and the southeast corner of Tract 14A, SCTM 82; thence northeastwardly along the western boundary of Tract 13, SCTM 82, and continuing to a point 600 feet northeast of the northeastern right-of-way boundary of Old U.S. 52 (S.R. 1236); thence southeastwardly remaining 600 feet from said northeastern right-of-way boundary of Old U.S. 52 (S.R. 1236), to a point of intersection with the northwestern boundary of Tract 6, SCTM 82; thence northeastwardly following the northwestern boundary of Tract 6, SCTM 82, to a point of intersection with the southern boundary of Brentwood II Subdivision Plat referenced as SCTM 82-G; thence westwardly, then northwardly following the southern and western boundaries of SCTM 82-G, to a point of intersection with the southern boundary of Tract 2, SCTM 82 (i.e. Country Place Subdivision); thence westwardly, northwardly, then westwardly following the eastern and northern boundaries of Fosstorall Subdivision Plat referenced as SCTM 82-M to the northwest corner of SCTM 82-M and the southwest corner of Tract 3, SCTM 82; thence northwardly following the eastern boundaries of Tracts 18, 19, 22 and 26, SCTM 82, to the northeast corner of Tract 26, SCTM 82; thence westwardly following the southern boundary of Tract 11, SCTM 81, to the southwest corner of said Tract 11, SCTM 81; thence continuing with said Tract 11, SCTM 81, northwardly, eastwardly, then southwardly to the southwestern corner of Tract 24A, SCTM 81 (i.e. northwestern corner of Country Place III Plat referenced as SCTM 82-P); thence eastwardly and southwardly following the northern boundary of SCTM 82-P, to the northwestern corner of Tract 1, Block 2, SCTM 82-P; thence eastwardly following the southern boundaries of Tracts 24, 26, 29, 29A, and crossing Brown Rd. (S.R. 1128), to a point of intersection with the eastern right-of-way boundary of said Brown Rd. (S.R. 1128); thence southwardly following said eastern right-of-way boundary of Brown Rd. (S.R. 1128), to a point of intersection with the western boundary of Brentwood III Subdivision Plat referenced as SCTM 89-A; thence northwardly, eastwardly, then southwardly following the western, northern, then eastern boundaries of said SCTM 89A, to a point of intersection with the northeastern right-of-way boundary of Southern Rd. (S.R. 1131); thence southeastwardly crossing Southern Rd. (S.R. 1131), and continuing to a point 300 feet Southeast and perpendicular to the southeastern right-of-way boundary of Southern Rd. (S.R. 1131); thence southwestwardly remaining 300 feet from the southeastern right-of-way

boundaries of Southern Rd. (S.R. 1131), and then Brown Rd. (S.R. 1128), to a point 600 feet north of and perpendicular to the northern right-of-way boundary of Old U.S. 52 (S.R. 1236); thence southeastwardly remaining 600 feet north of the northern right-of-way boundary of Old U.S. 52 (S.R. 1236), to a point 300 feet west of and perpendicular to the western right-of-way boundary of Mountain View Rd. (S.R. 1122); thence northeastwardly remaining 300 feet west of the western right-of-way boundary of Mountain View Rd. (S.R. 1122), to a point of intersection with the southern boundary of Tract 13, SCTM 89, thence eastwardly following the southern boundary of said Tract 13, SCTM 89; and crossing Mountain View Rd. (S.R. 1122) to the northwest corner of Tract 85, SCTM 89; thence eastwardly with the northern boundary of said Tract 85, SCTM 89, to the northeast corner of Tract 85, SCTM 89, in the western boundary of Woodcreek Subdivision Plat referenced as SCTM 95-D; thence northwardly, then eastwardly following the western and northern boundaries of said SCTM 95-D and continuing eastwardly with the northern boundary of SCTM 95-C to a point of intersection with the southwestern corner of SCTM 95-F (Tract 59, SCTM 95); thence northwardly, eastwardly, then southwardly following the western, northern, and eastern boundaries of SCTM 95-F, to a point of intersection with the southwest corner of Tract 58, Map 95, in the northern boundary of Woodcreek Subdivision Plat referenced as SCTM 95-C; thence eastwardly following the southern boundary of said Tract 58, SCTM 95, to a point of intersection in the western boundary of Tract 57, SCTM 95 (i.e. northeastern corner of SCTM 95-C); thence southwardly following the western boundary of Tracts 57 and 52A, SCTM 95, to the southwestern corner of Tract 52A, SCTM 95; thence eastwardly following the southern boundary of Tracts 52A, 52, then 51, SCTM 95, (i.e. northern boundary of Woodcreek Subdivision Plat referenced as SCTM 95-A) and crossing N.C. Highway 66, to the eastern right-of-way boundary of N.C. Highway 66; thence southwardly following said eastern right-of-way boundary of N.C. Highway 66, to a point due East of the northeast corner of Tract 46, SCTM 96; thence due West to the northeast corner of said Tract 46, SCTM 96 (i.e. southeastern corner of SCTM 95-A); thence westwardly following the northern boundaries of Tracts 46, 45, 44, 43, 41, then 42, SCTM 96, to the northwest corner of Tract 42, SCTM 96; thence southwardly following the western boundaries of Tracts 42, 41, then 37, SCTM 96, to the southwest corner of said Tract 37, SCTM 96, in the northern boundary of Tract 36, SCTM 96 (i.e. southeast corner of Woodcreek Subdivision Plat referenced as SCTM 95-E); thence westwardly following the northern boundary of said Tract 36, SCTM 96, to the northeast corner of Tract 35, SCTM 96; thence southwestwardly following the eastern boundary of Tract 35, SCTM 96, to a point of intersection with the northern right-of-way boundary of Helsabeck Rd. (S.R. 1119); thence continuing southwestwardly crossing said Helsabeck Rd. (S.R. 1119) and continuing to a point 300 feet southwest of and perpendicular to the southern right-of-way boundary of said Helsabeck Rd. (S.R. 1119); thence northwestwardly to a point of intersection with the northeastern corner of Tract 73, SCTM 89; thence southwardly following the eastern boundary of said Tract 73, SCTM 89, to the southeast corner of said Tract 73, SCTM 89; thence continuing

southwardly on the same course of the eastern boundary of Tract 73, SCTM 89, crossing Tract 1, SCTM 90, Old U.S. 52 (S.R. 1236), and the Norfolk and Southern Railway right-of-way to a point of intersection with the northern boundary of Tract 3, SCTM 90; thence northwestwardly following the northern boundaries of Tracts 3 and 5 (said N & S Railway right-of-way southern boundary) to a point 300 feet east of and perpendicular to the southeastern right-of-way boundary of Kirby Rd. (S.R. 1115); thence southwestwardly remaining 300 feet southeast of the southeastern right-of-way boundary of Kirby Rd. (S.R. 1115), to a point 300 feet north of and perpendicular to the northern right-of-way boundary of Spainhour Rd. (S.R. 1116); thence eastwardly remaining 300 feet north of the northern right-of-way boundary of Spainhour Rd. (S.R. 1116), to a point of intersection with the eastern boundary of Tract 24, SCTM 90; thence northwardly following the eastern boundaries of Tracts 24, then 19, SCTM 90, to the northeast corner of said Tract 19, SCTM 90, in the southern boundary of Tract 15, SCTM 83; thence eastwardly following the southern boundaries of Tract 15, SCTM 83, and Tracts 18 and 2, SCTM 90, to the southeast corner of said Tract 2, SCTM 90; thence eastwardly, then southwardly following the western boundary of Tract 30, SCTM 90 (i.e. northern and eastern boundaries of Dunwoody III Subdivision Plat referenced as SCTM 90-F), to a point of intersection with the northern boundary of Tract 29, SCTM 90 (i.e. southeast corner of SCTM 90-F); thence westwardly following the northern boundaries of Tracts 29, 28, 27, then 26, SCTM 90, to the southeastern corner of Tract 25, SCTM 90; thence northwardly following the eastern boundary of said Tract 25, SCTM 90, to the northeast corner of said Tract 25, SCTM 90; thence westwardly following the northern boundaries of Tracts 25 and 25A, SCTM 90, to the northwestern corner of Tract 25A, SCTM 90; thence southwardly following the western boundary of Tract 25A, SCTM 90, to the southwestern corner of said Tract 25A, SCTM 90, in the northern boundary of Tract 45, SCTM 90; thence southwardly, crossing Spainhour Rd. (S.R. 1116), to a point in the southern line of Tract 45, SCTM 90, and being the northeastern corner of Tract 57, SCTM 90, and the northwest corner of Tract 58, SCTM 90; thence southwardly following the eastern boundary of Tract 57, SCTM 90, to a point of intersection with the Stokes-Forsyth County line; thence westwardly following said Stokes-Forsyth County line to the point of BEGINNING."

Sec. 2. This act shall become effective June 30, 1985.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.B. 278 **CHAPTER 91**

AN ACT TO PROVIDE FOR THE USE OF ALL PROPERTY TAX COLLECTION METHODS IN THE COLLECTION OF SPECIAL ASSESSMENTS IN THE TOWN OF MADISON.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 160A-233(c) is rewritten to read: "Assessment liens may be collected as unpaid property taxes, under any of the collection remedies provided by law for unpaid property taxes. Such collection remedies may be begun at any time after 30 days after the due date."

Sec. 2. This act is effective only upon special assessments levied by the Town of Madison under Article 10 of Chapter 160A of the General Statutes or Article XI of the Charter of the Town of Madison and is enforceable upon all special assessments duly levied.

Sec. 3. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.B. 311 **CHAPTER 92**

AN ACT TO PROVIDE FOR ANNEXATION BY REFERENDUM IN TOWNS IN CRAVEN COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED WHICH PROVIDE LESS THAN SIX OF THE SEVEN SERVICES NORMALLY NECESSARY TO RECEIVE POWELL BILL FUNDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-34 is amended by adding the following new language immediately before the period: ", except that this Part does not apply to any municipality in Craven County having a population of less than 500 persons according to the last federal decennial census unless that municipality provides at least six of the seven categories of municipal services listed in G.S. 136-41.2(c)."

Sec. 2. Article 4A of Chapter 160A of the General Statutes is amended by adding a new Part to read:

"Part 1A. Annexation by Certain Cities of less than 500.

"§ 160A-32.1. *Authority to annex.*—The governing board of any municipality having a population of less than 500 persons according to the last federal decennial census, and which does not provide at least six of the seven categories of municipal services listed in G.S. 136-41.2(c), may extend the corporate limits of the municipality under the procedures set forth in this Part.

"§ 160A-32.2. *Procedure for adoption of annexation ordinance.*—(a) After public notice has been given by publication once a week for four successive weeks in a newspaper in the county with a general circulation in the municipality, or if there be no such paper, by posting notice in five or more public places within the municipality, the governing board of any

municipality may adopt an ordinance extending its corporate limits by annexing any contiguous tract or tracts of land not within the corporate limits of some other municipality.

(b) Prior to adoption of the ordinance, the municipal governing board shall hold a public hearing on the question of adoption. A statement by or on behalf of the municipal governing board of the purpose or reasons for the proposed extension of the corporate limits shall be made at the beginning of the public hearing. Reasonable opportunity to be heard shall be given any person who attends the public hearing. The public notice shall fix the date, hour and place of the public hearing, and shall describe clearly the boundaries of the area under consideration.

(c) From and after the date set in the ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the city and shall be entitled to the same privileges and benefits as other parts of the city. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes effective is subject to municipal taxes as provided in G.S. 160A-58.10.

"§ 160A-32.3. *Referendum on question of annexation.*—The ordinance shall only be effective if approved by referendum as provided by this Part. The governing board shall submit the question as to whether the territory shall be annexed to a vote of the qualified voters of the area proposed to be annexed.

"§ 160A-32.4. *Election procedure.*—(a) The local governing board shall order the board of elections of the county in which the municipality is located to call an election to determine whether or not the proposed territory shall be annexed to the city. Within 120 days after receiving the order from the governing board, the county board of elections shall proceed to hold an election on the question.

(b) The election shall be called by a resolution or resolutions of the county board of elections which:

(1) Describes the territory proposed to be annexed to the city as set out in the order of the local governing board;

(2) Provides that the matter of annexation of the territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed; and

(3) Makes all other necessary provisions for the election.

The resolution shall be published in one or more newspapers of the county once a week for 30 days prior to the closing of the registration books. All costs of holding the election shall be paid by the city. Except as provided by this act, the election shall be held in accordance with Chapter 163 of the General Statutes.

"§ 160A-32.5. *Ballots; effect of majority vote for annexation.*—At the election those qualified voters who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words 'For Annexation' and 'Against Annexation'. If at the election a majority of the votes cast from the area proposed for annexation shall be 'For Annexation' then from the date established in the ordinance, the territory and its citizens and property shall be subject to all the debts, laws, ordinances, and regulations

in force in the city and shall be entitled to the same privileges and benefits as other parts of the city. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes effective is subject to municipal taxes as provided in G.S. 160A-58.10.

"§ 160A-32.6. *Limited applicability.*—This Part applies only to municipalities in Craven County."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

S.B. 29 **CHAPTER 93**

AN ACT TO CHANGE THE METHOD FOR MEASURING THE TREAD DEPTH ON TIRES TO DETERMINE WHETHER THEY ARE SAFE.

The General Assembly of North Carolina enacts:

Section 1. The second sentence in G.S. 20-122.1(a) is amended by inserting immediately before the ":" the following:

"at two or more locations around the circumference of the tire in two adjacent major tread grooves, or if the tread wear indicators are in contact with the roadway at two or more locations around the circumference of the tire in two adjacent major tread grooves".

Sec. 2. G.S. 20-122.1(a) is amended by rewriting the definition of "Tread depth" to read:

"(4) 'Tread depth' - the distance from the base of the tread design to the top of the tread."

Sec. 3. This act shall not apply to the manner in which tread depth is measured on tires used on farm vehicles which are registered for less than a full calendar year.

Sec. 4. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 15th day of April, 1985.

S.B. 118 **CHAPTER 94**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RHODHISS TO PROVIDE FOR A FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS FOR THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. Section 5 of Chapter 84, Private Laws of 1903, as rewritten by Section 2 of Chapter 471, Session Laws of 1961, is rewritten to read:

"Sec. 5. (a) The mayor shall be elected in 1985 and quadrennially thereafter for a four-year term.

(b) In 1985, four commissioners shall be elected. The two persons receiving the highest numbers of votes shall be elected for four-year terms, and the two persons receiving the next highest numbers of votes shall be

elected for two-year terms. In 1987 and biennially thereafter, commissioners shall be elected for four-year terms.

(c) All elections shall be conducted in accordance with Chapter 163 of the General Statutes."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1985.

H.B. 249 **CHAPTER 95**

AN ACT TO PROVIDE THAT TEMPORARY VEHICLE REGISTRATION PLATES OR MARKERS ARE EFFECTIVE FOR A MAXIMUM OF THIRTY DAYS INSTEAD OF TWENTY DAYS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-79.1(g) and (h) are amended by deleting the number "20" each time it appears in those subsections and substituting the number "30".

Sec. 2. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 15th day of April, 1985.

H.B. 283 **CHAPTER 96**

AN ACT TO PROHIBIT UNSAFE MOVEMENTS IN PUBLIC VEHICULAR AREAS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-154(a) is amended by adding the words "or public vehicular area" immediately after the word "highway" in the first sentence thereof.

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 15th day of April, 1985.

H.B. 242 **CHAPTER 97**

AN ACT TO PROVIDE FOR AN INCREASED MINIMUM WAGE IF THE FEDERAL MINIMUM WAGE INCREASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-25.3(a) is amended by adding at the end a new sentence to read: "If before July 1, 1987, the minimum wage set forth in the Fair Labor Standards Act is increased above three dollars and thirty-five cents ($3.35) per hour, the minimum wage required under this section shall increase by the same amount, but shall not increase above three dollars and sixty cents ($3.60) per hour, effective the same date the increase under the Fair Labor Standards Act is effective."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 16th day of April, 1985.

S.B. 56 **CHAPTER 98**

AN ACT TO ENACT THE UNIFORM MANAGEMENT OF INSTITUTIONAL FUNDS ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. The General Statutes of North Carolina are amended by adding a new Chapter, 36B, to read as follows:

"Chapter 36B.
"Uniform Management of Institutional Funds Act.

"§ 36B-1. *Definitions.*—As used in this Chapter, the following terms have the meanings specified:

(1) 'institution' means an incorporated or unincorporated organization organized and operated exclusively for educational, religious, charitable, or other eleemosynary purposes, or a governmental organization to the extent that it holds funds exclusively for any of these purposes;

(2) 'institutional fund' means a fund held by an institution for its exclusive use, benefit, or purposes, but does not include (i) a fund held for an institution by a trustee that is not an institution or (ii) a fund in which a beneficiary that is not an institution has an interest, other than possible rights that could arise upon violation or failure of the purposes of the fund or (iii) funds other than endowment funds held by a governmental organization;

(3) 'endowment fund' means an institutional fund, or any part thereof, not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument;

(4) 'governing board' means the body responsible for the management of an institution or of an institutional fund;

(5) 'historic dollar value' means the aggregate fair value in dollars of (i) an endowment fund at the time it became an endowment fund, (ii) each subsequent donation to the fund at the time it is made, and (iii) each accumulation made pursuant to a direction in the applicable gift instrument at the time the accumulation is added to the fund. The determination of historic dollar value made in good faith by the institution is conclusive.

(6) 'gift instrument' means a will, deed, trust, grant, conveyance, agreement, memorandum, writing, or other governing document (including the terms of any institutional solicitations from which an institutional fund resulted) under which property is transferred to or held by an institution as an institutional fund.

"§ 36B-2. *Appropriation of appreciation.*—The governing board may appropriate for expenditure for the uses and purposes for which an endowment fund is established so much of the net appreciation, realized

and unrealized, in the fair value of the assets of an endowment fund over the historic dollar value of the fund as is prudent under the standard established by G.S. 36B-6. This section does not limit the authority of the governing board to expend funds as permitted under other law, the terms of the applicable gift instrument, or the charter of the institution.

"§ 36B-3. *Rule of construction.*—G.S. 36B-2 does not apply if the applicable gift instrument indicates the donor's intention that net appreciation shall not be expended. A restriction upon the expenditure of net appreciation may not be implied from a designation of a gift as an endowment, or from a direction or authorization in the applicable gift instrument to use only 'income', 'interest', 'dividends', or 'rents, issues or profits', or 'to preserve the principal intact', or a direction which contains other words of similar import. This rule of construction applies to gift instruments executed or in effect before or after the effective date of this act.

"§ 36B-4. *Investment authority.*—In addition to an investment otherwise authorized by law or by the applicable gift instrument, and without restriction to investments a fiduciary may make, the governing board, subject to any specific limitations set forth in the applicable gift instrument or in the applicable law other than law relating to investments by a fiduciary, may, subject to G.S. 36B-6:

(1) invest and reinvest an institutional fund in any real or personal property deemed advisable by the governing board, whether or not it produces a current return, including mortgages, stocks, bonds, debentures, and other securities of profit or nonprofit corporations, shares in or obligations of associations, partnerships, or secured obligation of individuals, and obligations of any government or subdivision or instrumentality thereof;

(2) retain property contributed by a donor to an institutional fund for as long as the governing board deems advisable;

(3) include all or any part of an institutional fund in any pooled or common fund maintained by the institution; and

(4) invest all or any part of an institutional fund in any other pooled or common fund available for investment, including shares or interests in regulated investment companies, mutual funds, common trust funds, investment partnerships, real estate investment trusts, or similar organizations in which funds are commingled and investment determinations are made by persons other than the governing board.

"§ 36B-5. *Delegation of investment management.*—Except as otherwise provided by the applicable gift instrument or by applicable law relating to governmental institutions or funds, the governing board may:

(1) delegate to its committees, officers or employees of the institution or the fund, or agents, including investment counsel, the authority to act in place of the board in investment and reinvestment of institutional funds;

(2) contract with independent investment advisors, investment counsel or managers, banks, or trust companies, so to act; and

(3) authorize the payment of reasonable compensation for investment advisory or management services.

"§ 36B-6. *Standard of conduct.*—In the administration of the powers to appropriate net appreciation, to make and retain investments, and to delegate investment management of institutional funds, members of a governing board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In so doing they shall consider long and short term needs of the institution in carrying out its educational, religious, charitable, or other eleemosynary purposes, its present and anticipated financial requirements, expected total return on its investments, price level trends, and general economic conditions.

"§ 36B-7. *Release of restrictions on use or investment.*—(a) With the written consent of the donor, the governing board may release, in whole or in part, a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund.

(b) If written consent of the donor cannot be obtained by reason of his death, disability, unavailability, or impossibility of identification, the governing board may apply in the name of the institution to the Superior Court for release of a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund. The Attorney General shall be notified of the application and shall be given an opportunity to be heard. If the court finds that the restriction is obsolete, inappropriate, or impracticable, it may by order release the restriction in whole or in part. A release under this subsection may not change an endowment fund to a fund that is not an endowment fund.

(c) A release under this section may not allow a fund to be used for purposes other than the educational, religious, charitable, or other eleemosynary purposes of the institution affected.

(d) This section does not limit the application of G.S. 36A-53 or of the doctrine of *cy-pres.*

"§ 36B-8. *Conflict with other law.*—To the extent that the provisions of this Chapter are inconsistent with the provisions of either Chapter 36A or Chapter 55A, the provisions of this Chapter shall control. The provisions of this Chapter shall not apply to The University of North Carolina.

"§ 36B-9. *Uniformity of application and construction.*—This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

"§ 36B-10. *Short title.*—This act may be cited as the 'Uniform Management of Institutional Funds Act'."

Sec. 2. The Revisor of Statutes shall cause the commentary to each section of Chapter 36B to be printed in the General Statutes. The commentary shall contain the comments of the National Conference of Commissioners on Uniform State Laws, the comments of the General Statutes Commission, and shall reflect amendments made during legislative consideration of this act.

Sec. 3. This act is effective on July 1, 1985.

In the General Assembly read three times and ratified, this the 16th day of April, 1985.

S.B. 80 **CHAPTER 99**

AN ACT TO ASSURE CONTINUITY OF CARE FOR INDIVIDUALS WITH MENTAL RETARDATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122-55.8 is rewritten to read:

"§ 122-55.8. *Assurance for continuity of care for individuals with mental retardation.*—(a) Any individual with mental retardation admitted for residential care or treatment for other than respite or emergency care to any residential facility operated under the authority of this Chapter and supported all or in part by State appropriated funds has the right to residential placement in an alternative facility if the client is in need of placement and if the original facility can no longer provide the necessary care or treatment.

(b) The operator of a residential facility providing residential care or treatment, for other than respite or emergency care, for individuals with mental retardation shall notify the area authority serving the client's county of residence of his intent to close a facility or to discharge a client who may be in need of continuing care at least 60 days prior to the closing or discharge.

The operator's notification to the area authority of intent to close a facility or to discharge a client who may be in need of continuing care constitutes the operator's acknowledgement of the obligation to continue to serve the client until:

(1) The area authority determines that the client is not in need of continuing care;
(2) The client is moved to an alternative residential placement; or
(3) 60 days have elapsed;

whichever occurs first.

In cases in which the safety of the client who may be in need of continuing care, of other clients, of the staff of the residential facility, or of the general public, is concerned, this 60-day notification period may be waived by securing an emergency placement in a more secure and safe facility. The operator of the residential facility shall notify the area authority that an emergency placement has been arranged within 24 hours of the placement. The area authority and the Secretary shall retain their respective responsibilities upon receipt of this notice.

(c) An individual who may be in need of continuing care may be discharged from a residential facility without further claim for continuing care against the area authority or the State if:

(1) After the parent or guardian, if the client is a minor or an adjudicated incompetent adult, or the client, if an adult not adjudicated incompetent, has entered into a contract with the operator upon the client's admission to the original residential facility, the parent, guardian, or client who entered into the contract refuses to carry out the contract, or
(2) After an alternative placement for a client in need of continuing care is located, the parent or guardian who admitted the client to the residential facility, if the client is a minor or an

adjudicated incompetent adult, or the client if an adult not adjudicated incompetent, refuses the alternative placement.

(d) Decisions made by the area authority regarding the need for continued placement or regarding the availability of an alternative placement of a client may be appealed pursuant to the appeals process of the area authority and subsequently to the Secretary or the Commission under their rules. If the appeal process extends beyond the operator's 60-day obligation to continue to serve the client, the Secretary shall arrange a temporary placement in a State facility for the mentally retarded pending the outcome of the appeal.

(e) The area authority that serves the county of residence of the client is responsible for assessing the need for continuity of care and for the coordination of the placement among available public and private facilities whenever the authority is notified that a client may be in need of continuing care. If an alternative placement is not available beyond the operator's 60-day obligation to continue to serve the client, the Secretary shall arrange for a temporary placement in a State facility for the mentally retarded. The area authority shall retain responsibility for coordination of placement during a temporary placement in a State facility.

(f) The Secretary is responsible for coordinative and financial assistance to the area authority in the performing of its duties and for assuring a continuity of care placement beyond the operator's 60-day obligation period.

(g) The area authority's financial responsibility, through local and allocated State resources, is limited to:

(1) Costs relating to the identification and coordination of alternative placements;

(2) If the original facility is an area facility, maintenance of the client in the original facility for up to 60 days; and

(3) Release of allocated categorical State funds used to support the care or treatment of the specific client at the time of alternative placement if the Secretary requires the release.

(h) In accordance with G.S. 143B-147(a)(1) the Commission shall develop programmatic rules to implement this section, and, in accordance with Part 3 of Article 2F of Chapter 122 of the General Statutes, the Secretary shall adopt budgetary rules to implement this section.

(i) As used in this section, unless another meaning is specified or the context clearly requires otherwise, the following terms have the meanings specified:

(1) 'Area authority' means the area mental health, mental retardation, and substance abuse authority.

(2) 'Client' means an individual who is admitted to and receiving service from, or who in the past had been admitted to and received services from, a facility.

(3) 'Commission' has the same meaning as in G.S. 122-23.2(2).

(4) 'Department' means the North Carolina Department of Human Resources.

(5) 'Facility' has the same meaning as in G.S. 122-23.2(4).

(6) 'Incompetent adult' means an individual adjudicated incompetent.

(7) 'Operator' has the same meaning as in G.S. 122-23.2(5).
(8) 'Person' has the same meaning as in G.S. 122-23.2(6).
(9) 'Residential facility' means a 24-hour facility in a nonhospital setting, including group homes.
(10) 'Secretary' means the Secretary of the Department.
(11) 'State facility' means a facility that is operated by the Secretary.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1985.

S.B. 129 **CHAPTER 100**

AN ACT TO PERMIT CRAVEN COUNTY TO CONSTRUCT AND LEASE A NATURAL GAS LINE AND PARTICIPATE IN CONSTRUCTION OF AN ELECTRICAL POWER LINE.

Whereas, an industry has expressed considerable interest in locating a portion of its facilities in the Craven County Industrial Park; and

Whereas, that industry and other industries presently located and to be located in the Craven County Industrial Park desire and need natural gas, underground electrical service and water and sewer; and

Whereas, there is no statutory authority for counties to engage in the construction of natural gas lines and electrical lines; and

Whereas, Craven County must make a commitment to the industry considering locating in the Craven County Industrial Park that the natural gas line and underground electrical services will be provided; and

Whereas, Craven County desires to fund the construction of a natural gas line and to lease the same to the North Carolina Natural Gas Corporation on a long-term basis; and

Whereas, Craven County desires to participate with Carolina Power and Light Company in site preparation, grading, landscaping, construction and burying of underground electrical lines into the park; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Craven County may construct a natural gas line in and to the Craven County Industrial Park and lease the same to the North Carolina Natural Gas Corporation, its successors and assigns, and may participate with Carolina Power and Light Company in the site preparation, grading, landscaping, construction and burying of underground electrical power lines into the Craven County Industrial Park.

Sec. 2. Craven County may construct, improve, enlarge and otherwise provide utilities of any kind in and to the Craven County Industrial Park; provided that Craven County may not itself serve any occupant of the industrial park with electricity.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1985.

S.B. 112 **CHAPTER 101**

AN ACT ABOLISHING THE ADVISORY BOARD OF THE NORTH CAROLINA SCHOOL OF THE ARTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 116-67 is repealed.

Sec. 2. G.S. 116-66 is amended in the first sentence by deleting from the end the phrase "and by the advisory board of the school"; and is further amended in the fourth sentence by deleting from the end the phrase "and in consultation with the advisory board of the school".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1985.

H.B. 109 **CHAPTER 102**

AN ACT TO ALLOW AN OFFICER CHARGED WITH SERVING A SUMMARY EJECTMENT SUMMONS TO DETERMINE WHETHER TO TELEPHONE THE DEFENDANT BEFORE ATTEMPTING PERSONAL DELIVERY OF THE SUMMONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 42-29 is amended as follows:

(1) by deleting the word "shall" in the second sentence of that section and substituting the word "may"; and

(2) by deleting the phrase "If a telephone call is not possible or" in the third sentence of that section and substituting the phrase "If the officer does not attempt to telephone the defendant or the attempt".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1985.

H.B. 201 **CHAPTER 103**

AN ACT TO REGULATE THE SHINING OF LIGHTS IN DEER AREAS IN MOORE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to shine a light intentionally upon a deer or to sweep a light in search of deer between the hours of one-half hour after sunset and one-half hour before sunrise.

Sec. 2. Section 1 of this act shall not be construed to prevent:

(1) the lawful hunting of raccoon or opossum during open season with artificial lights designed or commonly used in taking raccoon and opossum at night;

(2) the necessary shining of lights by landholders on their town lands;

(3) the shining of lights necessary to normal travel by motor vehicles on roads or highways; or

(4) the use of lights by campers and others who are legitimately in these areas for other reasons and who are not attempting to attract or to immobilize deer by the use of lights.

Sec. 3. Violation of this act is a misdemeanor punishable for a first conviction by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) or imprisonment not to exceed 30 days, and punishable for a second conviction within three years by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), by imprisonment not to exceed 90 days or by both.

Sec. 4. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Sec. 5. This act applies only to Moore County.

Sec. 6. This act shall become effective October 1. 1985.

In the General Assembly read three times and ratified, this the 18th day of April, 1985.

H.B. 267 **CHAPTER 104**

AN ACT TO PROVIDE FOR STAGGERED TERMS ON THE EAST BEND TOWN BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 144, Private Laws of 1887, as rewritten by Chapter 611, Session Laws of 1955, is rewritten to read:

"Sec. 4. (a) In the 1985 municipal election and biennially thereafter, a mayor shall be elected for a two-year term.

(b) In the 1985 municipal election, the two persons receiving the highest numbers of votes shall be elected to four-year terms on the board of commissioners. The three persons receiving the next highest numbers of votes shall be elected to two-year terms on the board of commissioners.

(c) In 1987 and biennially thereafter, the two persons receiving the highest numbers of votes shall be elected to four-year terms on the town board of commissioners, and the person receiving the next highest number of votes shall be elected to a two-year term on the board of commissioners.

(d) Elections in the Town of East Bend shall be governed by Chapter 163 of the General Statutes. Elections shall be conducted and the results shall be determined using the nonpartisan plurality method set out in Section 163-292 of the General Statutes."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1985.

H.B. 402 **CHAPTER 105**

AN ACT TO ALLOW THE TOWN OF LAKE LURE TO SELL CERTAIN PROPERTY AT PRIVATE SALE.

Whereas, the Rutherford County Arts Council, Inc., desires to have constructed a full-scale reproduction of the Globe Theatre and any necessary or appurtenant buildings; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Town of Lake Lure may give and convey any or all its right, title, and interest to the following described property at private sale with or without monetary consideration to the Rutherford County Arts Council, Inc., or to any nonprofit corporation designated by the Rutherford County Arts Council, Inc., under such terms and conditions as the Town Council deems appropriate:

Situate lying and being in the Town of Lake Lure, North Carolina, Chimney Rock Township, Rutherford County, North Carolina, and being all of that tract or parcel of land which lies East of a line extending from Utility Pole No. 10381-6285 northward to the steeple of the Chimney Rock Baptist Church located on Boys Camp Road in the Town of Lake Lure, Rutherford County, North Carolina; and being more particularly described as follows:

Beginning at a utility pole bearing number of 10381-6285, said utility pole being located approximately 50 feet Northeast of Ab's Marina and 200 feet Northeast of U.S. Highway No. 64-74; and being bounded on the South by the 992 feet contour line of the waters of Lake Lure, and bounded on the East by the 992 feet contour line of the waters of Lake Lure; and bounded on the North by the waters of Broad River and bounded on the West by the remaining lands of the Town of Lake Lure, containing 8 acres, more or less.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1985.

H.B. 67 **CHAPTER 106**

AN ACT TO GIVE THE SURVIVING COTENANT OF A LOCK BOX ACCESS TO LIFE INSURANCE POLICIES STORED IN THE BOX.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-24 is amended in the first paragraph by adding immediately before the last sentence a new sentence to read: "Immediately after the clerk of superior court has made an inventory of the contents of the lock box, the safe deposit company, trust company, corporation, bank or other institution, or person shall, upon request, release to the lessee or cotenant of the lock box any life insurance policy stored in the lock box for delivery to the beneficiary named in the policy."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 19th day of April, 1985.

H.B. 83 **CHAPTER 107**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WENDELL AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Wendell is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF WENDELL
"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Sec. 1.1. *Incorporation.* The Town of Wendell, North Carolina, in the County of Wake, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Wendell', hereinafter at times referred to as the 'Town'.

"Sec. 1.2. *Powers.* The Town of Wendell shall have and may exercise all of the powers, duties, rights, privileges and immunities, which are now, or hereafter may be, conferred, either expressly or by implication, upon the Town of Wendell specifically, or upon municipal corporations generally, by this Charter, by the State Constitution, or by general or local law.

"ARTICLE II. CORPORATE BOUNDARIES.

"Sec. 2.1. *Existing Corporate Boundaries.* The corporate boundaries of the Town of Wendell shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current Town boundaries, shall be maintained permanently in the office of the Town Clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made.

"Sec. 2.2. *Extension of Corporate Boundaries.* All extensions of the corporate boundaries shall be governed by the General Statutes.

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS.

"Sec. 3.1. *Governing Body.* The Mayor and Board of Commissioners, elected and constituted as herein set forth, shall be the governing body of the Town. On behalf of the Town, and in conformity with applicable laws, the Mayor and Board may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Sec. 3.2. *Board of Commissioners; Composition; Terms of Office.* The Board of Commissioners shall be composed of 5 members, each of whom shall be elected for a term of 4 years in the manner provided by Article IV of this Charter, provided they shall serve until their successors are elected and qualified.

"Sec. 3.3. *Selection of the Mayor; Term of Office; Duties.* The Mayor shall be elected directly by the voters of the Town in the manner provided by Article IV of this Charter, for a term of 4 years; provided, the Mayor shall serve until his successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. He shall have the right to vote only if there are an equal number of votes in the affirmative and the negative on any matter before the Board. The Mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred upon him by the General Statutes, by this Charter, and by the ordinances of the Town.

"Sec. 3.4. *Mayor Pro Tempore.* In accordance with applicable State laws, the Board of Commissioners shall appoint one of its members to act as Mayor pro tempore to perform the duties of the Mayor in the Mayor's absence or disability. The Mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

"Sec. 3.5. *Meetings of the Board.* In accordance with the General Statutes, the Board of Commissioners shall establish a suitable time and place for its regular meetings. Special meetings may be held according to the applicable provisions of the General Statutes.

"Sec. 3.6. *Ordinances and Resolutions.* The adoption, amendment, repeal, pleading, or proving of Town ordinances and resolutions shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all Town ordinances shall be: 'Be it ordained by the Board of Commissioners of the Town of Wendell'.

"Sec. 3.7. *Voting Requirements; Quorum.* Official action of the Board of Commissioners shall, unless otherwise provided by law, be by majority vote, provided that a quorum, consisting of a majority of the actual membership of the Board, is present. Vacant seats are to be subtracted from the normal Board membership to determine the actual membership.

"Sec. 3.8. *Qualifications for Office; Vacancies; Compensation.* The compensation of Board members, the filling of vacancies on the Board, and the qualifications of Board members shall be in accordance with applicable provisions of the General Statutes.

"ARTICLE IV. ELECTIONS.

"Sec. 4.1. *Regular Municipal Elections.* Elections shall be held biennially in odd-numbered years on the day set by general law for municipal elections.

"Sec. 4.2. *Conduct and Method of Election.* Elections for Mayor and Board of Commissioners shall be by the non-partisan plurality method set out in the General Statutes. All elections and referendums of the Town of Wendell shall be held and conducted as provided by the applicable General Statutes.

"Sec. 4.3. *Election of Mayor and Board of Commissioners.* The Town Board of Commissioners shall be elected for four-year terms on a staggered basis as follows: At the regular municipal election to be held

in 1985, two members shall be elected to serve four-year terms. At the regular municipal election to be held in 1987, the two candidates who receive the highest number of votes shall be elected for four-year terms, while the candidate receiving the third highest number of votes shall be elected for a two-year term. At the regular municipal election to be held in 1989, and every four years thereafter, three members of the Board of Commissioners shall be elected to serve four-year terms. Beginning at the regular municipal election to be held in 1991 and every four years thereafter, two members of the Board of Commissioners shall be elected to serve for four-year terms. Beginning at the regular municipal election to be held in 1987 and every four years thereafter, the Mayor of the Town of Wendell shall be elected for a four-year term.

"ARTICLE V. ORGANIZATION AND ADMINISTRATION.

"Sec. 5.1. *Form of Government.* The Town shall operate under the Council-Manager form of government in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 5.2. *Town Manager; Appointment; Compensation.* The Board of Commissioners shall appoint an officer whose title shall be 'Town Manager' and who shall be the head of the administrative branch of the city government. The Manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the Town at the time of his appointment. The Town Manager shall serve at the pleasure of the Board of Commissioners and shall receive such salary as the Board of Commissioners shall fix. In case of absence or disability of the Town Manager, the Commissioners may designate a qualified administrative officer of the Town to perform the duties of the Manager during such absence or disability. The Manager shall have all powers and duties as conferred upon him by the General Statutes of North Carolina.

"Sec. 5.3. *Town Attorney.* The Board of Commissioners shall appoint a Town Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. The Town Attorney need not be a resident of the Town during his tenure. It shall be the duty of the Town Attorney to prosecute and defend suits against the Town; to advise the Mayor, Board of Commissioners and other Town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the Town; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend meetings of the Board of Commissioners; and to perform other duties required by law or as the Board of Commissioners or Mayor may direct.

"Sec. 5.4. *Town Clerk.* The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board, to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform other duties required by law or as the Board of Commissioners may direct.

"Sec. 5.5. *Town Finance Officer.* The Board of Commissioners shall appoint a Town Finance Officer to perform the duties of the finance officer as required by the Local Government Budget and Fiscal Control Act.

"Sec. 5.6. *Town Budget Officer.* The Board of Commissioners shall appoint a Town Budget Officer to perform the duties of the budget officer as required by the Local Government Budget and Fiscal Control Act.

"Sec. 5.7. *Town Tax Collector.* The Board of Commissioners may appoint a Town Tax Collector to collect all taxes, licenses, fees and other monies belonging to the Town, subject to the General Statutes, the provisions of this Charter and the ordinances of the Town.

"Sec. 5.8. *Consolidation of Functions.* The Board of Commissioners may consolidate any two or more positions of Town Clerk, Town Tax Collector, Town Budget Officer and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act.

"Sec. 5.9. *Other Administrative Officers and Employees.* Consistent with applicable State laws, the Board of Commissioners may establish positions, provide for the appointment of other administrative officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town.

"ARTICLE VI. PLANNING AND REGULATION OF DEVELOPMENT.

"Sec. 6.1. *Conditional Use Zoning Districts.* In addition to the powers granted to the Town in G.S. 160A-381 *et seq.*, the Town may provide for the creation of conditional use zoning districts.

It is the purpose and intent of this section to permit the Town to create, through the legislative process, both general use districts, in which a variety of uses are permitted, and conditional use districts, in which limited uses are permitted only upon approval by the Town.

A person petitioning for rezoning of a tract of land where conditional use districts are authorized by ordinance, may elect to request a general use district or a conditional use district for the tract. If the petitioner elects to petition for the general use zoning, and if the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district. If the petitioner elects to petition for conditional use district zoning, the petition must specify the actual use or uses which are intended for the property specified in the petition. If the petition is for conditional use district zoning, the Town is to approve or disapprove the petition on the basis of the specific use or uses requested.

"ARTICLE VII. LOCAL IMPROVEMENTS AND ASSESSMENTS FOR LOCAL IMPROVEMENTS.

"Sec. 7.1. *Local Improvements; Assessment of Costs.* In addition to any authority which is now or may hereafter be granted by general law to the Town for making local improvements, the Board of Commissioners may make the local improvements described in this Charter as in its discretion it may deem appropriate, with or without any petition so to do and to assess the total cost of said improvements against the benefited property within its corporate limits in accordance with the provisions of Sections 7.1 through 7.7 herein.

"Sec. 7.2. *Separate Proceeding not Required.* One or more local improvements may be made in a single proceeding, and assessments for one or more local improvements may be combined.

"Sec. 7.3. *Improvements Described.* The Board of Commissioners shall have the authority to make special assessments against benefited property within its corporate limits for:

(1) Constructing, reconstructing, paving, widening, installing curbs and gutters and otherwise building and improving streets;

(2) Constructing, reconstructing, paving, widening and otherwise building or improving sidewalks on any public street;

(3) Constructing, reconstructing, extending and otherwise building or improving water systems;

(4) Constructing, reconstructing, extending or otherwise building or improving sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems;

(5) Constructing, reconstructing, extending and otherwise building or improving storm sewer and drainage systems;

(6) Constructing, reconstructing, extending or otherwise making any other improvements within the corporate limits for which the Town is allowed to make special assessments pursuant to Article 10 of Chapter 160A of the General Statutes.

"Sec. 7.4. *Assessment Procedure.* In ordering improvements to be made without a petition and assessing the cost thereof under authority of this Article, the Board of Commissioners shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the requirement for petition of property owners and the sufficiency thereof and the payment of assessments by installments as modified herein.

"Sec. 7.5. *Payment of Assessment in Cash or by Installments.* The property owner assessed shall have the option of paying for improvements in cash or in not more than ten annual installments as may have been determined by the Board of Commissioners in the Resolution directing the project giving rise to the assessment to be undertaken. Provided, the Board of Commissioners may provide in said Resolution directing the project to be undertaken that payment shall be made in cash or in fewer than ten annual installments as in its discretion it may deem appropriate.

"Sec. 7.6. *Enforcement of Assessments.* Assessments shall be enforced as provided in the procedure set forth in Article 10 of Chapter 160A of the General Statutes.

"Sec. 7.7. *Effect of Assessments.* The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"ARTICLE VIII. CHARTER AMENDMENTS.

"Sec. 8.1. *Incorporation of Amendments.*

(a) As soon as possible after the adjournment of each General Assembly, the Town Attorney shall present to the Board of Commissioners copies of all local laws relating to the property, affairs and government

of the Town of Wendell that were enacted by such General Assembly, whether or not amending any terms of this Charter, and recommend formal changes in this Charter. Such recommendations may include suggestions for renumbering or rearranging the provisions of such laws, for providing titles and catch lines, and for such other changes in arrangement and form that do not change the law, as may be thought necessary to implement the purposes of this section.

(b) After considering the recommendations of the Town Attorney, the Commissioners may provide for the incorporation of such laws into this Charter.

(c) The purpose of this section is to enable the Town to maintain at all times a current and accurate Town Charter, organized in clear and orderly fashion and embracing all pertinent local laws relating to the property, affairs and government of the Town."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Wendell and to consolidate herein certain acts concerning the property, affairs and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. (a) The following acts are repealed:

(1) Chapter 316, Private Laws of 1903.
(2) Chapter 221, Private Laws of 1907.
(3) Chapter 156, Private Laws of 1913.
(4) Chapter 105, Private Laws, Extra Session of 1913.
(5) Chapter 244, Private Laws of 1915.
(6) Chapter 265, Private Laws of 1915.
(7) Chapter 35, Private Laws of 1921.
(8) Chapter 233, Private Laws of 1933.
(9) Chapter 77, Private Laws of 1935.
(10) Chapter 63, Public-Local Laws of 1939.
(11) Chapter 454, Session Laws of 1951.
(12) Chapter 294, Session Laws of 1953.
(13) Chapter 132, Session Laws of 1961.

(b) The following acts are not repealed:

(1) Chapter 5, Session Laws of 1949.
(2) Chapter 273, Session Laws of 1965.
(3) Chapter 689, Session Laws of 1977.
(4) Chapter 364, Session Laws of 1973.

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way, any rights or interest (whether public or private):

(1) now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act; or

(2) derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of

ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

(2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7.

(a) All existing ordinances and resolutions of the Town of Wendell and all existing rules or regulations of departments or agencies of the Town of Wendell not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Wendell or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1985.

H.B. 231 **CHAPTER 108**

AN ACT TO PERMIT THE TAKING OF FOXES IN HOKE AND ROBESON COUNTIES AND IN PART OF SCOTLAND COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, there is an open season for taking foxes with weapons from December 1 through January 1 of each year.

Sec. 2. Notwithstanding any other provision of law, there is an open season for taking foxes by trapping from January 2 through January 31 of each year. During this season, all leghold traps set on dry land with solid anchor shall have at least three swivels in the trap chain and no leghold traps larger than size one and one-half may be used.

Sec. 3. A season bag limit of 30 applies in the aggregate to all foxes taken during the weapons and trapping seasons established in this act.

Sec. 4. The Wildlife Resources Commission shall provide for the sale of foxes taken lawfully pursuant to this act.

Sec. 5. This act shall apply only to Hoke and Robeson Counties and to that portion of Scotland County northeast of N.C. 381 from the Richmond County line to the South Carolina border.

Sec. 6. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 19th day of April, 1985.

H.B. 315 **CHAPTER 109**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ELON COLLEGE.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Elon College is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF ELON COLLEGE
"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES

"Section 1.1. *Incorporation.* The Town of Elon College, North Carolina, in Alamance County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Elon College', hereinafter at times referred to as the 'Town'.

"Sec. 1.2. *Powers.* The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Elon College specifically by this Charter or upon municipal corporations by general law. The term 'general law' is employed herein as defined in G.S. 160A-1.

"Sec. 1.3. *Corporate Limits.* The corporate limits shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town Clerk and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made, and copies shall be filed in the offices of the Secretary of State, the Alamance County Register of Deeds and the appropriate board of elections.

"ARTICLE II. MAYOR AND BOARD OF ALDERMEN

"Sec. 2.1. *Governing Body.* The Mayor and Board of Aldermen shall be the governing body of the Town.

"Sec. 2.2. *Board of Aldermen; Composition; Terms of Office.* The Board of Aldermen, hereinafter referred to at times as the 'Board', shall be composed of five members elected for staggered terms of four years, or until their successors are elected and qualified.

"Sec. 2.3. *Mayor; Term of Office; Duties.* The Mayor shall be elected for a term of four years, or until his or her successor is elected and qualified; shall be the official head of the Town government and preside

at meetings of the Board; shall have the right to vote only when there is an equal division on any question or matter before the Board; and shall exercise the powers and duties conferred by law or as directed by the Board.

"Sec. 2.4. *Mayor Pro Tempore.* The Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the other members of the Board.

"Sec. 2.5. *Meetings of the Board.* In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Sec. 2.6. *Quorum.* A majority of members elected to the Board shall constitute a quorum to do business.

"Sec. 2.7. *Ordinances and Resolutions.* The adoption, amendment, repeal, pleading and proving of Town ordinances and resolutions shall be in accordance with general law, except as otherwise provided in this Charter. All ordinances and resolutions shall be effective upon adoption unless otherwise provided.

"Sec. 2.8. *Voting Requirements.* Official actions of the Board and all votes shall be taken in accordance with applicable voting provisions of general law, except as otherwise provided in this Charter. Notwithstanding the provisions of G.S. 160A-75, however, an ordinance or resolution may be finally adopted on the date on which it is introduced by an affirmative vote equal to a majority of all the members of the Board not excused from voting on the question.

"Sec. 2.9. *Compensation; Qualifications for Office; Vacancies.* The compensation and qualifications of the Mayor and Aldermen shall be in accordance with general law. Vacancies that occur in any elective office of the Town shall be filled by appointment of the Board for the remainder of the unexpired term.

"Article III. ELECTIONS

"Sec. 3.1. *Regular Municipal Elections.* Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. The Mayor and Aldermen shall be elected by the voters of the Town on an at-large basis, by the nonpartisan plurality method of election.

"Sec. 3.2. *Election of the Aldermen.* The Aldermen serving on the date of ratification of this Charter may continue to serve until expiration of their terms, or until their successors are elected and qualified. In the regular municipal election in 1985, and every four years thereafter, there shall be elected two Aldermen to serve as provided in Article II of this Charter. In the regular municipal election in 1987, and every four years thereafter, there shall be elected three Aldermen to serve as provided in Article II.

"Sec. 3.3. *Election of the Mayor.* The Mayor serving on the date of ratification of this Charter may continue to serve until the expiration of his or her term, or until a successor is elected and qualified. At the regular

municipal election in 1985 and every four years thereafter, there shall be elected a Mayor to serve as provided in Article II.

"Sec. 3.4. *Special Elections and Referendums.* Special elections and referendums may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION

"Sec. 4.1. *Form of Government.* The Town shall operate under the council-manager form of government, in acccordance with G.S. Chapter 160A, Article 7, Part 2.

"Sec. 4.2. *Town Manager.* The Board shall appoint a Town Manager who shall be responsible for the administration of all departments of the Town government. The Town Manager shall have all the powers and duties contained in G.S. Chapter 160A, Article 7, Part 2, except as expressly limited by the provisions of this Charter; shall hold office at the pleasure of the Board and shall receive such compensation as approved by the Board; shall perform the duties of the budget officer under the Local Government Budget and Fiscal control Act; and shall either personally perform the duties of the finance officer or appoint another officer or employee of the Town to perform such duties, as determined by the Board, pursuant to the requirements of the Local Government Budget and Fiscal Control Act.

"Sec. 4.3. *Town Clerk.* The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Board; to maintain in a safe place all records and documents concerning the affairs of the Town; to give notice of meetings of the Board; and to perform such other duties required by law or as the Board may direct.

"Sec. 4.4. *Town Tax Collector.* The Board shall appoint a Tax Collector to collect all taxes, licenses, fees and other monies owed to the Town, subject to general law, this Charter and town ordinances.

"Sec. 4.5. *Town Attorney.* The Board of Alderman shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town in matters of litigation; to advise Town officials with respect to the affairs of the Town; to draft legal documents relating to the affairs of the Town; to review agreements, contracts, franchises and other instruments concerning the Town; to attend meetings of the Board as requested; and to perform other duties required by law or as the Board may direct.

"Sec. 4.6. *Other Administrative Officers and Employees.* The Town Manager may appoint other officers and employees as authorized by the Board.

"ARTICLE V. SPECIAL ASSESSMENT PROVISIONS

"Sec. 5.1. *Assessments for Street Improvement; Petition Unnecessary.* (a) In addition to any authority granted by general law, the Board is hereby authorized to order street improvements and to assess the costs thereof against abutting property in accordance with the provisions of this Article.

(b) The Board may order street improvements and assess the total costs thereof against abutting property, exclusive of the costs incurred at

street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes without the necessity of a petition, upon the following findings of fact:

(1) That the street improvement project does not exceed 1,200 linear feet; and

(2) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvements; or

(3) That it is in the public interest to connect two streets or portions of a street already improved; or

(4) That it is in the public interest to widen a street, or part thereof, which is already improved; provided that assessments for widening any street or portion of a street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town's thoroughfare or major street plan, as applied to the particular street or part thereof.

(c) For the purposes of this Article, the term 'street improvement' includes grading, regrading, surfacing, resurfacing, widening, paving, repaving, acquisition of right-of-way and construction or reconstruction of curbs, gutters and street drainage facilities.

"Sec. 5.2. *Assessment for Sidewalk Improvements; Petition Unnecessary.* In addition to any authority granted by general law, the Board is hereby authorized, without the necessity of petition, to order sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total costs thereof against abutting property, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes; provided that regardless of the assessment basis or bases employed, the Board may order the costs of sidewalk improvements made only on one side of a street to be assessed against property abutting both sides of such street.

"Sec. 5.3. *Procedure; Effect of Assessments.* In ordering street and sidewalk improvements without a petition and assessing the costs thereof under authority of this Article, the Board shall comply with the procedures required by Article 10 of Chapter 160A of the General Statutes, except those provisions relating to petitions of property owners and sufficiency thereof. The effect of the act of levying assessments under authority of this Article shall be the same as if assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Elon College and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are expressly consolidated into this act, so that all rights and liabilities which have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify or affect any of the following acts, portions of acts or amendments thereto, whether or not such acts are expressly set forth herein:

(1) Any acts concerning the property, affairs or government of public schools.

(2) Any acts validating, confirming, approving or legalizing official proceedings, actions, contracts or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted or having been consolidated into this act, are hereby repealed:

Chapter 324, Session Laws of 1961, except that Section 36 of that act is not repealed.

Chapter 18, Session Laws of 1963.

Sections 1 and 2 of Chapter 250, Session Laws of 1967.

Chapter 156, Session Laws of 1969.

Sec. 5. No provision of this act is intended nor shall be construed to affect any rights or interests (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action previously taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law previously repealed expressly or by implication, and no law granting authority which has been exhausted, shall be construed to be revived by any provision of this act.

Sec. 7. All existing ordinances and resolutions of the Town of Elon College and all existing rules or regulations of departments or agencies of the Town not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified or amended.

Sec. 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending on the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by the ratification of this act.

Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed, superseded or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed, superseded or recodified.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1985.

H.B. 330 **CHAPTER 110**

AN ACT TO INCORPORATE A SATELLITE AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF MOUNT HOLLY.

The General Assembly of North Carolina enacts:

Section 1. In addition to the corporate limits of the City of Mount Holly, as now constituted, the corporate limits of the said City shall include the following described area, notwithstanding the requirements of G.S. 160A-58.1(b):

BEGINNING at a nail and cap in the centerline of N. C. Highway 273 at the intersection with the centerline of County Road No. 1933 if extended and running thence from said Beginning Point, along the centerline of N. C. Highway 273, seven calls: (1) N. 24-26 W. 94.5 feet to a nail and cap; (2) N. 27-10 W. 100 feet to a nail and cap; (3) N. 27-36 W. 400 feet to a nail and cap; (4) N. 26-52 W. 200 feet to a nail and cap; (5) N. 26-10 W. 100 feet to a nail and cap; (6) N. 23-16 W. 100 feet to a nail and cap; and (7) N. 19-51 W. 100 feet to a point; thence, leaving the road, N. 63-22 E. (passing through an iron pin at 40 feet) a total distance of 694.5 feet to an iron pin on the western margin of the right-of-way of the Seaboard Coast Line Railroad; thence, with the said railroad right-of-way, five calls: (1) S. 26-49 E. 30.2 feet to a point; (2) S. 26-04 E. 147.1 feet to a point; (3) a curve to the right with a radius of 1834.9 feet an arc distance of 485.2 feet to a point; (4) S. 7-55 E. 147.1 feet to a point; and (5) S. 7-10 E. 229.6 feet to a point in the center of County Road No. 1933, located S. 78-27 W. 75.2 feet from an iron in the center of the said railroad right-of-way; thence, with the center of County Road No. 1933, four calls: (1) S. 78-27 W. 23.3 feet to a point; (2) S. 73-03 W. 100 feet to an iron pin; (3) S. 58-55 W. 100 feet to an iron pin; and (4) S. 43-57 W. 298.4 feet to the POINT OF BEGINNING.

Sec. 2. The corporate limits of the area annexed by Section 1 of this act shall be considered satellite corporate limits within the meaning of General Statutes Chapter 160A, Article 4A, Part 4, and they shall not be considered to be external boundaries for the purposes of General Statutes Chapter 160A, Article 4A, Parts 2 and 3.

Sec. 3. Real and personal property in the territory annexed pursuant to this act is subject to municipal taxes as provided in G.S. 160A-58.10.

Sec. 4. Immediately upon ratification of this act, the City of Mount Holly City Clerk shall cause the appropriate changes to be made to the official map of the City, which G.S. 160A-22 requires to be retained permanently in the office of the city clerk. A copy of the revised map, or an accurate map of the annexed territory, shall be filed in the offices of the Secretary of State, the Gaston County Register of Deeds and appropriate board of elections.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1985.

S.B. 121 **CHAPTER 111**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARIETTA AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Marietta is revised and consolidated to read:

"The Charter of the Town of Marietta.
"Article I.
"Incorporation, Corporate Powers and Boundaries.

"Section 1.1. *Incorporation and Corporate Powers.* The Town of Marietta, North Carolina, in the County of Robeson, and the inhabitants thereof, are a body corporate and politic under the name of the 'Town of Marietta'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on towns by the general law of North Carolina.

"Sec. 1.2. *Corporate Limits.* Until modified in accordance with law, the boundaries of the Town of Marietta are as follows:

Beginning at the intersection of Oliver Street (2277) and Old Raleigh and Charleston Railroad (SR 2280) at the location of center of town on the original Charter is located reference point P. Extend from Ref Pt P Southeast on SR 2277 to the intersection of SR 2282 then East on SR 2282 to the intersection of 2284 Reference Pt A. Extend West on 2282 from Pt A to intersection of SR 2258, Ref Pt. B. Extend North to the Southeast corner of original town limit Ref Pt C. Extend West from PT C to a point 100 yds West of turn in SR 2280, Ref Pt D, proceed North on 2280 to intersection of SR 2278, Ref Pt E. From Ref Pt P extend .8 mile Northwest on SR 2277 to Ref Pt F. From PT F extend Northeast to the intersection of SR 2258 and NC 904 Ref Pt G extend Southwest on SR 2258 for .5 miles to Ref Pt H.

Connect all established points in alphabetical order and this will give the perimeter of the town.

The town limits extend 200 feet from the center of roads used as boundaries around the town, if such roads are the outer limit of the town.

An official map, along with the preceding description showing the current Town boundaries, shall be maintained permanently by the Town Clerk, and shall be available for public inspection.

"Article II.
"Governing Body.

"Sec. 2.1. *Mayor and Town Council.* The Mayor and Town Council, elected and constituted as herein set forth, shall be the governing body of the Town. On behalf of the Town, and in conformity with applicable laws, the Mayor and Council may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Sec. 2.2. *Town Council; Composition; Terms of Office.* The Town Council shall be composed of four members, each of whom shall be elected

for a term of four years in the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified.

"Sec. 2.3. *Mayor; Term of Office; Duties.* The Mayor shall be elected in the manner provided by Article III of this Charter to serve for a term of two years or until his successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Council. He shall have the right to vote in any and all matters before the Council. The Mayor shall exercise such powers and perform such duties as presently are or hereinafter may be conferred upon him by the General Statutes of North Carolina, by this Charter, and by the ordinances of the Town.

"Sec. 2.4. *Mayor Pro Tempore.* In accordance with applicable State laws, the Town Council shall appoint one of its members to act as Mayor Pro Tempore to perform the duties of Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Sec. 2.5. *Meetings of the Board.* In accordance with applicable General Statutes, the Board shall establish a suitable time and place for its regular meetings. Special meetings may be held according to the applicable provisions of the General Statutes.

"Sec. 2.6. *Ordinances and Resolutions.* The adoption, amendment, repeal, pleading, or proving of town ordinances and resolutions shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the board. The enacting clause of all town ordinances shall be: 'Be it ordained by the Town Council of the Town of Marietta.'

"Sec. 2.7. *Voting Requirements; Quorum.* Official action of the Council shall be, except as provided otherwise by law, by majority vote, provided that a quorum, consisting of a majority of the actual membership of the Council, is present. Vacant seats are to be subtracted from the normal board membership to determine the actual membership.

"Sec. 2.8. *Qualifications for Office; Vacancies; Compensation.* The compensation of board members, the filling of vacancies on the board, and the qualifications of board members shall be in accordance with applicable provisions of the General Statutes.

"Article III.
"Elections.

"Sec. 3.1. *Regular Municipal Elections; Conduct and Method of Election.* Regular municipal elections shall be held in the Town every two years in odd-numbered years and shall be conducted by the Robeson County Board of Elections in accordance with the uniform municipal election laws of North Carolina. At each such election, the Mayor and two members of the Council shall be elected according to the nonpartisan plurality method of election.

"Sec. 3.2. *Election of Council Members.* Members of the Town Council are elected to four-year terms. In 1985 all four members of the Town

Council shall be elected, two for four years and two for two years, the two candidates receiving the highest number of votes to serve for four years and the two candidates who receive the next largest number of votes to serve for two years. In 1987, and biennially thereafter, two members shall be elected by the voters of the Town voting at large.

"Sec. 3.3. *Election of the Mayor.* At the regular municipal election in 1985, and biennially thereafter, there shall be elected a Mayor to serve a term of two years. The Mayor shall be elected by the voters of the Town voting at large.

"Sec. 3.4. *Appointment of Initial Town Council and Mayor.* James T. Blue, Walter Powell, A. C. Oliver, and Paul S. Oliver, Jr., are hereby appointed members of the Town Council to serve until their successors are elected in the 1985 general election. Justin Oliver is appointed Mayor of the Town of Marietta to serve until his successor is elected in the 1985 general election.

"Article IV.
"Organization and Administration.

"Sec. 4.1. *Form of Government.* The Town shall operate under the Mayor-Council form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 4.2. *Administrative Officers and Employees.* Consistent with applicable State laws, the Town Council may establish positions, provide for the appointment of administrative officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town.

"Sec. 4.3. *Consolidation of Administrative Functions.* The Town Council may consolidate any two or more administrative positions in the Town government or may assign the functions of any position to the holder or holders of any positions subject to the Local Government Budget and Fiscal Control Act, and other applicable State laws.

"Article V.
"Special Provisions.

"Sec. 5.1. *Assessment for Street and Sidewalk Improvements; Petition Unnecessary.* (a) In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Town Council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this section.

(b) The Town Council may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes without the necessity of a petition, upon the finding of the Board as a fact:

(1) That the street improvements does not exceed 1,200 linear feet, and

(2) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvements, or

(3) That it is with public interest to connect two streets, or portions of a street already improved, or

(4) That it is in the public interest to widen a street, or part thereof, which is already improved, provided that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town for the particular street or part thereof to be widened and improved under the authority granted by this Article.

(c) For the purpose of this Article, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

(d) In addition to any authority which is now or may hereinafter be granted by general law to the Town for making sidewalk improvements, the Town Council is hereby authorized without the necessity of petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total cost thereof against abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes; provided, however, that regardless of the assessment bases employed, the Town Council may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.

(e) In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the Council shall comply with the procedures provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

(f) The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Marietta and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein.

(1) Any acts concerning the property, affairs, or government of public schools in the Town of Marietta.

(2) Any acts validating, confirming, approving or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. The following act, having served the purposes for which it was enacted, or having been consolidated into this act is repealed: Chapter 148, Private Laws of 1911.

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

(2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. All existing ordinances and resolutions of the Town of Marietta and all existing rules or regulations of departments or agencies of the Town of Marietta, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified, or amended.

Sec. 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Marietta shall be abated or otherwise affected by the adoption of this act.

Sec. 9. If any of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed, or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1985.

S.B. 124 **CHAPTER 112**

AN ACT TO PUT BUNCOMBE COUNTY UNDER THE STATEWIDE FOX HUNTING LAW.

The General Assembly of North Carolina enacts:

Section 1. The chart in G.S. 113-133.1(e) is amended by rewriting the entry for Buncombe County to read:

"Buncombe: Public-Local Laws 1933, Chapter 308."

Sec. 2. Section 2 of Chapter 658 of the Public-Local Laws 1917 is repealed.

Sec. 3. Section 2 of Chapter 107 of the Public Laws 1935, as amended by Chapter 238 of the Public Laws 1935, is repealed as it applies to Buncombe County.

Sec. 4. This act shall become effective September 1, 1985.

In the General Assembly read three times and ratified, this the 22nd day of April, 1985.

H.B. 124 **CHAPTER 113**

AN ACT TO MAKE DOMESTIC VIOLENCE REMEDIES APPLICABLE TO CHILDREN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50B-1 is amended by adding before the colon on line 4 the following:

", or between one of such persons and a minor child who is in the custody of or residing with the other person".

Sec. 2. G.S. 50B-2(a) is amended by rewriting the first sentence to read as follows:

"A person residing in this State may seek relief under this Chapter by filing a civil action alleging acts of domestic violence against himself or herself or a minor child who resides with or is in the custody of such person."

Sec. 3. G.S. 50B-2(b) is amended by adding before the period at the end of the first sentence the following:

"or a minor child".

Sec. 4. G.S. 50B-4(b) is amended by adding to line 6, between the words "victim" and "presents", the following:

", or someone acting on the victim's behalf,".

Sec. 5. G.S. 50B-5(a) is amended by rewriting the first sentence to read as follows:

"A person who alleges that he or she or a minor child has been the victim of domestic violence may request the assistance of a local law enforcement agency."

Sec. 6. G.S. 50B-6 is amended by adding the following sentence at the end:

"This Chapter shall not be construed as relieving any person or institution of the duty to report to the department of social services, as required by G.S. 7A-543, if the person or institution has cause to suspect that a juvenile is abused or neglected."

Sec. 7. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 22nd day of April, 1985.

H.B. 32 **CHAPTER 114**

AN ACT TO SIMPLIFY THE ALCOHOLIC BEVERAGE TAX STATUTES.

The General Assembly of North Carolina enacts:

Section 1. Article 2C of Chapter 105 of the General Statutes is rewritten to read:

"Article 2C.
"Schedule B-C. Alcoholic Beverage License and Excise Taxes.
"Part 1. General Provisions.

"§ 105-113.68. *Definitions; scope.*—(a) Definitions. As used in this Article, unless the context clearly requires otherwise:

(1) 'ABC Commission' means the North Carolina Alcoholic Beverage Control Commission established under G.S. 18B-200.
(2) 'ABC law' means a statute in this Article or in Chapter 18B or a rule issued by the Secretary under the authority of this Chapter.
(3) 'ABC permit' means a written or printed authorization issued by the ABC Commission pursuant to Chapter 18B, other than a purchase-transportation permit. Unless the context clearly requires otherwise, 'ABC permit' means a presently valid permit.
(4) 'Alcoholic beverage' means a beverage containing at least one half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.
(5) 'Fortified wine' means a wine made by fermentation from grapes, fruits, berries, rice, or honey, to which nothing has been added other than pure brandy made from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine, and which has an alcoholic content of not more than twenty-four percent (24%) alcohol by volume.
(6) 'License' means a certificate, issued pursuant to this Article by the Secretary or by a city or county, that authorizes a person to engage in a phase of the alcoholic beverage industry.
(7) 'Malt beverage' means beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one half of one percent (0.5%) and not more than six percent (6%) alcohol by volume.
(8) 'Person' means an individual, firm, partnership, association, corporation, other organization or group, or other combination of individuals acting as a unit.
(9) 'Sale' means a transfer, trade, exchange, or barter, in any manner or by any means, for consideration.
(10) 'Secretary' means the Secretary of Revenue.
(11) 'Spirituous liquor' or 'liquor' means distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin, and all other distilled spirits and mixtures of cordials, liqueurs, and

premixed cocktails in closed containers for beverage use regardless of the dilution.

(12) 'Unfortified wine' means wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar, and that has an alcoholic content of not more than seventeen percent (17%) alcohol by volume.

(13) 'Wholesaler or importer' when used with reference to wholesalers or importers of wine includes resident wineries that sell their wines at retail.

(14) 'Wine' means unfortified and fortified wine.

(b) Scope. All alcoholic beverages shall be taxed as provided in this Article regardless whether they meet all criteria of these definitions.

"§ 105-113.69. *License tax; effect of license.*—The taxes imposed in Parts 2 and 3 of this Article are license taxes on the privilege of engaging in the activity authorized by the license. Licenses issued by the State or a local government under this Article authorize the licensee to engage in only those activities that are authorized by the corresponding ABC permit. The activities authorized by each retail ABC permit are described in Article 10 of Chapter 18B, and the activities authorized by each commercial ABC permit are described in Article 11 of that Chapter.

"§ 105-113.70. *Issuance, duration, transfer of license.*—(a) Issuance, Qualifications. Each person who receives an ABC permit shall obtain the corresponding license, if any, under this Article. All State licenses are issued by the Secretary. All local licenses are issued by the city or county where the establishment for which the license is sought is located. The information required to be provided and the qualifications for a State or local license are the same as the information and qualifications required for the corresponding ABC permit. Upon proper application and payment of the prescribed tax, issuance of a State or local license is mandatory if the applicant holds the corresponding ABC permit. No license may be issued under this Article until the applicant has received from the ABC Commission the applicable permit for that activity, and no county license may be issued for an establishment located in a city in that county until the applicant has received from the city the applicable license for that activity.

(b) Duration. All licenses issued under this section are annual licenses for the period from May 1 to April 30.

(c) Transfer. A license may not be transferred from one person to another or from one location to another.

(d) License Exclusive. Neither the State nor a local government may require a license for activities related to the manufacture or sale of alcoholic beverages other than the licenses stated in this Article.

"§ 105-113.71. *Local government may refuse to issue license.*—(a) Refusal to Issue. Notwithstanding G.S. 105-113.70, the governing board of a city or county may refuse to issue a license if it finds that the applicant committed any act or permitted any activity in the preceding year that would be grounds for suspension or revocation of his permit under G.S. 18B-104. Before denying the license, the governing board shall give the applicant an opportunity to appear at a hearing before the board and to offer evidence. The applicant shall be given at least 10 days' notice of the

hearing. At the conclusion of the hearing the board shall make written findings of fact based on the evidence at the hearing. The applicant may appeal the denial of a license to the superior court for that county, if notice of appeal is given within 10 days of the denial.

(b) Local Exceptions. The governing bodies of the following counties and cities in their discretion may decline to issue on-premises unfortified wine licenses: the counties of Alamance, Alexander, Ashe, Avery, Chatham, Clay, Duplin, Granville, Greene, Haywood, Jackson, Macon, Madison, McDowell, Montgomery, Nash, Pender, Randolph, Robeson, Sampson, Transylvania, Vance, Watauga, Wilkes, Yadkin; any city within any of those counties; and the cities of Greensboro, Aulander, Pink Hill, and Zebulon.

"§ 105-113.72. *Cancellation, revocation of license.*—(a) Basis. When the ABC Commission certifies to the Secretary that an ABC permit has been canceled or revoked, the Secretary shall immediately cancel or revoke the corresponding license. The Secretary may revoke a license for failure to pay a license tax or an alcoholic beverage excise tax or for failure to furnish a proper bond.

(b) Tax not Refundable. A person whose license is canceled or revoked is not entitled to a refund of taxes.

"§ 105-113.73. *Misdemeanor.*—Except as otherwise expressly provided, violation of a provision of the ABC law is a misdemeanor and is punishable as provided in G.S. 14-3.

"Part 2. State Licenses.

"§ 105-113.74. *State commercial licenses.*—(a) License and Tax. A person holding any of the following commercial ABC permits shall obtain a State license for the activity authorized by the permit. The annual tax for each license is as stated.

ABC Permit	*Corresponding State License*	*Tax*
Brewery	Brewery	$500.00
Unfortified winery	Unfortified winery	100.00
Fortified winery	Fortified winery	100.00
Distillery	Distillery	100.00
Fuel Alcohol	Fuel Alcohol	10.00
Bottler	Bottler	250.00
Malt beverage importer, wine importer, or both	Importer	150.00
Nonresident malt beverage vendor, nonresident wine vendor, or both	Nonresident vendor	150.00 or 25.00 as provided in (b) below
Malt beverage wholesaler	Malt beverage wholesaler	150.00
Wine wholesaler	Wine wholesaler	150.00
Both malt beverage wholesaler and wine wholesaler		250.00

ABC Permit	*Corresponding State License*	*Tax*
Salesman	Salesman	12.50
Vendor representative	Salesman	12.50

(b) Nonresident Vendor Tax. The license tax payable by an applicant for a State nonresident vendor license who sells 500 or more cases of alcoholic beverages in North Carolina during a license year is one hundred fifty dollars ($150.00), and the license tax payable by an applicant who sells fewer than 500 cases of alcoholic beverages in North Carolina during a license year is twenty-five dollars ($25.00). A vendor who pays the lower fee shall pay the one hundred twenty-five dollars ($125.00) difference between that and the higher fee once his sales during the year reach 500 cases.

"§ 105-113.75. *State beer and wine retail licenses.*—A person holding any of the following retail ABC permits shall obtain a State license for the activity authorized by the permit. The annual tax for each license is as stated.

ABC Permit	*Corresponding State License*	*Tax*
On-premises malt beverage, off-premises malt beverage, or both	Retail malt beverage	$20.00
On-premises unfortified wine, on-premises fortified wine, or both	Retail wine: on-premises	25.00
Off-premises unfortified wine, off-premises fortified wine, or both	Retail wine: off-premises	20.00

"§ 105-113.76. *Sales on railroad trains.*—(a) License. Each person operating a railroad train in this State on which alcoholic beverages are sold shall obtain from the Secretary a State railroad sales license. The annual fee for this license is one hundred dollars ($100.00) for each railroad system over which cars are operated in this State.

(b) Payment of Excise Tax. The holder of a State railroad sales license shall submit monthly reports of the amount of alcoholic beverages sold in this State and shall remit the applicable excise tax due on the sale of these beverages when the report is submitted. The report is due on or before the 15th day of the month following the month in which the beverages are sold. The report shall be made on a form prescribed by the Secretary.

"Part 3. Local Licenses.

"§ 105-113.77. *City beer and wine retail licenses.*—(a) License and Tax. A person holding any of the following retail ABC permits for an establishment located in a city shall obtain from the city a city license for that activity. The annual tax for each license is as stated.

ABC Permit	*Tax for Corresponding License*
On-premises malt beverage	$15.00
Off-premises malt beverage	5.00
On-premises unfortified wine, on-premises fortified wine, or both	15.00
Off-premises unfortified wine, off-premises fortified wine, or both	10.00

(b) Tax on Additional License. The tax stated in subsection (a) is the tax for the first license issued to a person. The tax for each additional license of the same type issued to that person for the same year is one hundred ten percent (110%) of the base license tax, that increase to apply progressively for each additional license.

"§ 105-113.78. *County beer and wine retail licenses.*—A person holding any of the following retail ABC permits for an establishment located in a county shall obtain from the county a county license for that activity. The annual tax for each license is as stated.

ABC Permit	*Tax for Corresponding License*
On-premises malt beverage	$25.00
Off-premises malt beverage	5.00
On-premises unfortified wine, on-premises fortified wine, or both	25.00
Off-premises unfortified wine, off-premises fortified wine, or both	25.00

"§ 105-113.79. *City wholesaler license.*—A city may require city malt beverage and wine wholesaler licenses for businesses located inside the city, but may not require a license for a business located outside the city, regardless whether that business sells or delivers malt beverages or wine inside the city. The city may charge an annual tax of not more than twenty-five percent (25%) of the annual tax for the equivalent State license as set by G.S. 105-113.74.

"Part 4. Excise Taxes, Distribution of Tax Revenue.

"§ 105-113.80. *Excise taxes on beer, wine, and liquor.*—(a) Beer. An excise tax is levied on the sale of malt beverages at the rate of:

(1) forty-eight and three hundred eighty-seven one thousandths cents (48.387¢) per gallon on malt beverages in barrels holding at least seven and three-fourths gallons; and

(2) fifty-three and three hundred seventy-six one thousandths cents (53.376¢) per gallon on malt beverages in cans, bottles, barrels, or other containers holding less than seven and three-fourths gallons.

(b) Wine. An excise tax of twenty-one cents (21¢) per liter is levied on the sale of unfortified wine, and an excise tax of twenty-four cents (24¢) per liter is levied on the sale of fortified wine.

(c) Liquor. An excise tax of twenty-two and one-half percent (22 ½%) of the retail price is levied on liquor sold in ABC stores. Pursuant to G.S. 18B-804(b), the price of liquor on which this tax is computed is the distiller's price plus (i) the State ABC warehouse freight and bailment

charges, and (ii) a markup for local ABC boards. This tax is in lieu of sales and use taxes; accordingly, liquor is exempt from those taxes as provided in G.S. 105-164.13(37).

"§ 105-113.81. *Exemptions.*—(a) Major Disaster. Wholesalers and importers of malt beverages and wine are not required to remit excise taxes on malt beverages or wine rendered unsalable by a major disaster. To qualify for this exemption, the wholesaler or importer shall prove to the satisfaction of the Secretary that a major disaster occurred. A major disaster is the destruction, spoilage, or rendering unsalable of 50 or more cases, or the equivalent, of malt beverages or 25 or more cases, or the equivalent, of wine.

(b) Sales to Oceangoing Vessels. Wholesalers and importers of malt beverages and wine are not required to remit excise taxes on malt beverages and wine sold and delivered for use on oceangoing vessels. An oceangoing vessel is a ship that plies the high seas in interstate or foreign commerce, in the transport of freight or passengers, or both, for hire exclusively. To qualify for this exemption the beverages shall be delivered to an officer or agent of the vessel for use on that vessel. Sales made to officers, agents, crewmen, or passengers for their personal use are not exempt.

(c) Sales to Armed Forces. Wholesalers and importers of malt beverages and wine are not required to remit excise taxes on malt beverages and wine sold to the United States Armed Forces. The Secretary may require malt beverages and wine sold to the Armed Forces to be marked 'For Military Use Only' to facilitate identification of those beverages.

(d) Out-of-State Sales. Wholesalers and importers of malt beverages and wine are not required to remit excise taxes on malt beverages and wine shipped out of this State for resale outside the State.

(e) Tasting. Resident breweries and wineries are not required to remit excise taxes on malt beverages and wine given free of charge to customers, visitors, and employees on the manufacturer's licensed premises for consumption on those premises.

"§ 105-113.82. *Distribution of part of beer and wine taxes.*—(a) Amount, Method. The Secretary shall annually distribute the following percentages of the net amount of excise taxes collected on the sale of malt beverages and wine to the counties and cities in which the retail sale of these beverages is authorized:

(1) Of the tax on malt beverages levied under G.S. 105-113.80(a), twenty-three and three-fourths percent (23 ¾ %);
(2) Of the tax on unfortified wine levied under G.S. 105-113.80(b), sixty-two percent (62%); and
(3) Of the tax on fortified wine levied under G.S. 105-113.80(b), twenty-two percent (22%).

If malt beverages, unfortified wine, or fortified wine may be licensed to be sold at retail in both a county and a city located in the county, both the county and city shall receive a portion of the amount of excise tax to be distributed, that portion to be determined on the basis of population. If one of these beverages may be licensed to be sold at retail in a city located in a county in which the sale of the beverage is otherwise

prohibited, only the city shall receive a portion of the amount of excise tax to be distributed, that portion to be determined on the basis of population. The amounts to be distributed under subdivisions (1), (2), and (3) shall be computed separately.

(b) Reduction in Amount Distributed. Where the sale of malt beverages, unfortified wine, or fortified wine is prohibited in a defined area of a city or county in which the sale of the beverage is authorized, the amount otherwise distributable to the city or county on the basis of population under subsection (a) shall be reduced in the same ratio that the area of the defined area bears to the total area of the city or county, unless the defined area is a city. If the defined area in a county is a city, the reduction in the amount otherwise distributable to the county under subsection (a) shall be based on population instead of area. All reductions shall be retained by the State.

(c) Exception. Notwithstanding subsection (a), in a county in which ABC stores have been established by petition, revenue shall be distributed as though the entire county had approved the retail sale of a beverage whose retail sale is authorized in part of the county.

(d) Time. The distribution shall be made within 60 days after September 30 of each year and shall be based on collections during the preceding 12-month period ending September 30.

(e) Population Estimates. To determine the population of a city or county for purposes of the distribution required by this section, the Secretary shall use the most recent annual estimate of population certified by the State Budget Officer.

(f) City Defined. As used in this section, the term 'city' means a city as defined in G.S. 153A-1(1) or an urban service district defined by the governing body of a consolidated city-county.

(g) Use of Funds. Funds distributed to a county or city under this section may be used for any public purpose.

"Part 5. Administration.

"§ 105-113.83. *Payment of excise taxes.*—(a) Liquor. The excise tax on liquor levied under G.S. 105-113.80(c) is payable monthly by the local ABC board to the Secretary. The tax shall be paid on or before the 15th day of the month following the month in which the tax was collected.

(b) Beer and Wine. The excise taxes on malt beverages and wine levied under G.S. 105-113.80(a) and (b), respectively, are payable to the Secretary by the resident wholesaler or importer who first handles the beverages in this State. The taxes on malt beverages and wine shall be paid only once on the same beverages. The tax shall be paid on or before the 15th day of the month following the month in which the beverage is first sold or otherwise disposed of in this State by the wholesaler or importer. When excise taxes are paid on wine or malt beverages, the wholesaler or importer shall submit to the Secretary verified reports on forms provided by the Secretary detailing sales records for the month for which the taxes are paid. The report shall indicate the amount of excise tax due, contain the information required by the Secretary, and indicate separately any transactions to which the excise tax does not apply.

(c) Railroad Sales License. This section does not affect the duty of a holder of a State railroad sales license to remit excise taxes on alcoholic beverages sold by that licensee in this State, as provided in G.S. 105-113.76.

"§ 105-113.84. *Invoices; report of resident brewery, resident winery, or nonresident vendor.*—(a) Invoice. When a resident brewery, resident winery, or nonresident vendor sells or delivers wine or malt beverages to a North Carolina wholesaler or importer, he shall give that wholesaler or importer two copies of the sales invoice. He shall also file one copy with the Secretary. The invoice shall state:

(1) the name and address of the licensee making the sale or delivery;
(2) the name, address, and license number of the wholesaler or importer receiving the beverages;
(3) the kind of beverage sold or delivered; and
(4) the exact quantities of beverages sold or delivered, specified by size and type of container.

(b) Monthly Report. Each resident brewery, resident winery, or nonresident vendor that sells or delivers wine or malt beverages in North Carolina shall prepare and file with the Secretary a monthly report, on a form provided by the Secretary, stating the exact quantities of those beverages sold to North Carolina wholesalers or importers during the previous month. The report shall specify the size and type of containers sold. The report shall be filed on or before the 15th day of the month following the month in which the beverages are sold or delivered.

"§ 105-113.85. *Discount.*—Each wholesaler or importer who remits the excise taxes on malt beverages or wine may deduct from the amount payable by him a discount of four percent (4%). This discount covers losses due to spoilage and breakage, expenses incurred in preparing the records and reports required by this Article, and the expense of furnishing a bond. No discount is allowed on taxpaid beverages given as free goods for advertising.

"§ 105-113.86. *Bonds.*—(a) Wholesalers and Importers. Each holder of a malt beverage wholesaler license, a wine wholesaler license, or an importer license shall furnish a bond, secured by a corporate surety, in an amount of not less than five thousand dollars ($5,000) nor more than fifty thousand dollars ($50,000) to cover his tax liability. The bond shall be conditioned on compliance with this Article, shall be payable to the State, and shall be in a form acceptable to the Secretary. The Secretary shall proportion the bond amount to the anticipated tax liability of the wholesaler or importer. The Secretary shall periodically review the sufficiency of bonds furnished by wholesalers and importers, and shall increase the amount of a bond required of a wholesaler or importer when the amount of the bond furnished no longer covers the wholesaler's or importer's anticipated tax liability.

(b) Nonresident Vendors. The Secretary may require the holder of a nonresident vendor license to furnish a bond, secured by a corporate surety, in an amount not to exceed two thousand dollars ($2,000). The bond shall be conditioned on compliance with this Article, shall be payable to the State, and shall be in a form acceptable to the Secretary.

"§ 105-113.87. *Refund for excise tax paid on sacramental wine.*—(a) Refund Allowed. A person who purchases wine for the purpose stated in

G.S. 18B-103(8) may obtain a refund from the Secretary for the amount of the excise tax levied under this Article. The Secretary shall make refunds annually.

(b) Application. An applicant for a refund authorized by this section shall file a written request with the Secretary for the refund due for the prior calendar year on or before April 15. The Secretary may by rule prescribe what information and records shall be supplied by the applicant to qualify for the refund.

(c) Late Application. An application for a refund filed later than required in subsection (b) shall be accepted by the Secretary but shall be subject to the following late penalties: an application filed by May 15, twenty-five percent (25%); an application filed after May 15 but no later than October 15, fifty percent (50%). No refund may be made if the application is filed after October 15.

"§ 105-113.88. *Record keeping requirements.*—(a) Requirement. Every person licensed under this Article shall maintain complete and accurate records of all purchases and sales of alcoholic beverages taxable under this Article. These records shall be kept separate from all other records the person keeps. Each person shall also maintain copies of all reports filed with the Secretary and invoices, sales tickets, and other data that substantiate those reports.

(b) Length of Time Records Shall Be Kept. Every person licensed under this Article shall keep the records, reports, and other information required by this section for three years.

"§ 105-113.89. *Other applicable administrative provisions.*—The administrative provisions of Article 9 of this Chapter apply to this Article. In addition, the following administrative provisions of Schedule B of this Chapter apply to the license taxes levied under this Article: G.S. 105-103, 105-104, 105-105, 105-108, 105-109, 105-110, and 105-112. In applying the provisions of Schedule B to this Article, the month 'May' shall be substituted for the month 'July'."

Sec. 2. G.S. 18B-1006 is amended by adding a new subsection to read:

"(h) Purchase Restrictions. A retail permittee may purchase malt beverages, unfortified wine, or fortified wine only from a wholesaler or importer who maintains a place of business in this State and has the proper permit."

Sec. 3. Article 11 of Chapter 18B is amended by adding a new section to read:

"§ 18B-1118. *Purchase restrictions.*—The holder of a malt beverage wholesaler, wine wholesaler, malt beverage importer, wine importer, or bottler permit may not purchase malt beverages or wine for resale in this State from a nonresident who does not have the proper nonresident vendor permit."

Sec. 4. G.S. 105-164.13 is amended by adding a new subdivision to read:

"(37) Spirituous liquor. This exemption does not prohibit the levy of sales and use taxes on mixed beverages. As used in this subdivision, the terms 'spirituous liquor' and 'mixed beverage' have the same meanings as in G.S. 18B-101(14) and G.S. 18B-101(10) respectively."

Sec. 5. G.S. 18B-108 is rewritten to read:

"§ 18B-108. *Sales on trains.*—Alcoholic beverages may be sold on railroad trains in this State upon receipt of the required revenue license under G.S. 105-113.76."

Sec. 6. The last sentence of G.S. 18B-306 is amended by changing the comma after the word "section" to a period and deleting the remainder of that sentence.

Sec. 7. G.S. 18B-804(b)(4) is amended by deleting the reference "105-113.93" and substituting the reference "105-113.80(c)".

Sec. 8. G.S. 18B-804(c) is amended by deleting the reference "105-113.95" and substituting the reference "105-113.80(b)".

Sec. 9. G.S. 18B-804(d) is amended by deleting the reference "105-113.86" and substituting the reference "105-113.80(b)".

Sec. 10. G.S. 105-33(i) is amended by deleting the words "the sheriff".

Sec. 11. G.S. 105-236(11) and G.S. 105-237.1(a) are each amended by deleting the phrase "Chapter 18" each time it appears and substituting the phrase "Chapter 18B".

Sec. 12. Excise tax revenue from excise taxes on malt beverages, unfortified wine, and fortified wine that has been allocated by the Department of Revenue for distribution to a city but has not been distributed as of the effective date of this act because the city is inactive is reallocated to the State for appropriation by the General Assembly and is, therefore, not distributable to that city or to any other city or county in a distribution of excise tax revenue under Article 2C of Chapter 105 of the General Statutes. An inactive city is a city that is inactive and does not currently have a finance officer.

Sec. 13. G.S. 108A-93 is amended by deleting the reference "105-113.86" and substituting the reference "105-113.82".

Sec. 14. This act is effective upon ratification. This act does not affect licenses issued for the period May 1, 1984, to April 30, 1985.

In the General Assembly read three times and ratified, this the 23rd day of April, 1985.

H.B. 200 **CHAPTER 115**

AN ACT TO REGULATE HUNTING WITH RIFLES IN CERTAIN TOWNSHIPS OF MOORE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 721 of the 1979 Session Laws, as amended by Chapter 743 of the 1981 Session Laws, is rewritten to read:

"Section 1. It is unlawful to hunt with any rifle that has a bore larger than twenty-two (.22) caliber or to hunt with any rifle that is capable of firing a twenty-two (.22) caliber center fire ammunition. This section shall not apply to a person hunting with a muzzle-loading rifle if he is positioned at least 8 feet from the ground."

Sec. 2. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1985.

H.B. 255 **CHAPTER 116**

AN ACT TO CLARIFY STATUTORY REFERENCES RELATING TO OVERLOADING OF MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 20-96 is amended by deleting "G.S. 20-118" and substituting "G.S. 20-118(e)(3)".

Sec. 2. The fourth sentence of G.S. 20-96 is amended by deleting "G.S. 20-118" and substituting "G.S. 20-118(e)(1)".

Sec. 3. The first sentence of the second paragraph of G.S. 20-96 is amended by deleting "overloading penalty provided in this section and G.S. 20-118 has been paid" and substituting "penalties owed under this section and G.S. 20-118.3 have been paid."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1985.

H.B. 312 **CHAPTER 117**

AN ACT TO AMEND THE BUSINESS CORPORATION ACT TO AUTHORIZE CORPORATIONS TO ISSUE STOCK REDEEMABLE AT THE SHAREHOLDER'S OPTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 55-40(e) is rewritten to read:

"Any authorized class of shares or any series thereof, may, by its terms, be made subject to redemption by the corporation at its option or at the option of the holders of such shares or at any designated time or times or upon the happening of a specified event or contingency. Subject to the provisions of G.S. 55-52, any class of shares that may be made redeemable under this section may be redeemed for cash, property or rights, including the shares or other securities of the same or another corporation, at such time or times, price or prices, or rate or rates, and with such adjustments as shall be stated in the Articles of Incorporation or in the resolution or resolutions providing for the classification of such shares or series pursuant to G.S. 55-42."

Sec. 2. G.S. 55-43(e) is amended in the first sentence by deleting the phrase "a subscription by an employee" and substituting the phrase: "the case of shares subject to redemption or repurchase in accordance with G.S. 55-40(e) or in accordance with a written agreement falling within G.S. 55-52(b)(4)"; and by deleting the phrase "; provided, that nothing herein shall invalidate the provisions of written agreements falling within G.S. 55-52(b)(4)".

Sec. 3. G.S. 55-52(b)(4) is amended by inserting immediately after the word "disability" the phrase: ", or to perform its obligations or exercise its rights to purchase shares of a shareholder under any other written agreement to which all shareholders are parties, or if all shareholders are not parties then under such written agreement that has been approved by a majority of the outstanding shares, regardless of

limitation on voting rights, other than shares owned by the shareholders who are parties to such agreement".

Sec. 4. This act is effective upon ratification and applies to all series and classes of shares authorized, and to all agreements entered into, on, before, or after that date.

In the General Assembly read three times and ratified, this the 23rd day of April, 1985.

H.B. 252 **CHAPTER 118**

AN ACT TO PERMIT THE SALE OF PRODUCTS PRODUCED BY INMATES TO PUBLIC INSTITUTIONS OUTSIDE THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 148-70 as the same appears in the 1983 Cumulative Supplement to Volume 3C, Part II of the General Statutes of North Carolina, is amended by rewriting the fourth sentence as follows:

"The Department may dispose of the products of the labor of the inmates, either in farming or in manufacturing or in other industry at the State Prison System to any public institution owned, managed, or controlled by the State, or to any county, city or town in this State, or to any federal, state, or local public institution in any other state of the union."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1985.

S.B. 83 **CHAPTER 119**

AN ACT TO TRANSFER THE REGULATION OF WORKERS' COMPENSATION SELF-INSURANCE FROM THE INDUSTRIAL COMMISSION TO THE DEPARTMENT OF INSURANCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 97-93 is rewritten to read:

"§ 97-93. *Employers required to carry insurance or prove financial ability to pay for benefits; self-insured employers regulated by Commissioner of Insurance.*—(a) Every employer subject to the provisions of this Article relative to the payment of compensation shall either:

(1) Insure and keep insured his liability under this Article in any authorized corporation, association, organization, or in any mutual insurance association formed by a group of employers so authorized; or

(2) Furnish to the Commissioner of Insurance satisfactory proof of the employer's financial ability, either alone or through membership in a group comprising two or more employers who agree to pool their liabilities under this Article, to directly pay the compensation in the amount and manner and when due as provided for in this Article.

(b) In the case of subdivision (a)(2) of this section, the Commissioner of Insurance may require the deposit of an acceptable security, indemnity, or bond to secure the payment of compensation liabilities as they are incurred. Any individual employer or group of employers who furnish proof of financial ability under subdivision (a)(2) of this section shall be governed in all respects by this Article and by such rules as may be promulgated by the Commissioner of Insurance.

(c) Payment of dividends to the members of any group of employers who agree to pool their liabilities under subdivision (a)(2) of this section shall not be contingent upon the maintenance or continuance of membership in such pools."

Sec. 2. G.S. 97-100(j) is amended in the 2nd, 3rd, and 5th lines by substituting the words, "Commissioner of Insurance" for the word, "Commission".

Sec. 3. G.S. 105-228.5 is amended in the final paragraph by rewriting the 4th and 5th lines to read:

"Insurance Commissioner as provided in G.S. 97-100(j)."

Sec. 4. G.S. 97-94(a) and (b) and G.S. 97-96 are amended by substituting "Commissioner of Insurance" for "Commission" wherever the word appears; and G.S. 97-96 is amended by substituting "Commissioner of Insurance" for "Industrial Commission".

Sec. 5. Article 2 of General Statutes Chapter 58 is amended by adding a new section to read:

"§ 58-16.3. *Examination, annual statement, and records of employers self-insuring for workers' compensation.*—The provisions of G.S. 58-16, 58-16.1, 58-16.2, 58-17, 58-18, 58-21, 58-22, 58-25, 58-25.1, 58-27, and 58-63 apply to employers that furnish proof of financial responsibility to the Commissioner under G.S. 97-93(a)(2) and to persons that administer workers' compensation self-insurance for such employers."

Sec. 6. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 25th day of April, 1985.

H.B. 64 **CHAPTER 120**

AN ACT TO AUTHORIZE THE TYRRELL COUNTY BOARD OF COMMISSIONERS AND THE TYRRELL COUNTY BOARD OF EDUCATION TO ENTER INTO CERTAIN CONTRACTS WITHOUT COMPLYING WITH THE PROVISIONS OF CHAPTER 133 AND OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 208, Session Laws of 1983 is amended by deleting "June 30, 1985", and substituting "June 30, 1988".

Sec. 2. Section 2 of Chapter 580, Session Laws of 1983 is amended by deleting "June 30, 1985", and inserting "June 30, 1988".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1985.

H.B. 295 **CHAPTER 121**

AN ACT TO MOVE THE ELECTION DATE FOR THE RANDOLPH COUNTY BOARD OF EDUCATION FROM THE PRIMARY TO THE GENERAL ELECTION.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of Section 2 of Chapter 739, Session Laws of 1967, is amended by deleting "regular primary" and substituting "general" and is further amended in the second sentence of that section by deleting "the Spring of".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1985.

H.B. 302 **CHAPTER 122**

AN ACT TO FURTHER EFFECTUATE THE SEPARATION OF POWERS.

The General Assembly of North Carolina enacts:

Section 1. This act may be cited as the Separation of Powers Act of 1985.

Sec. 2. The last sentence of G.S. 136-28.1(f) is rewritten to read: "The right to reject any and all proposals is reserved to the Board of Transportation, but the Board of Transportation shall consult with the Advisory Budget Commission before awarding any such contract."

Sec. 3. G.S. 143B-426.11(7) is amended by deleting "the approval of" and substituting "consultation with".

Sec. 4. G.S. 143B-426.11(5) is amended by deleting "without approval of the Advisory Budget Commission" and substituting "unless the Agency has consulted with the Advisory Budget Commission".

Sec. 5. The last paragraph of G.S. 147-12(3) is amended by deleting "with the approval of" and substituting "after consultation with".

Sec. 6. G.S. 140-5.15(c) is amended by deleting "with the approval of" and substituting "after consultation with".

Sec. 7. G.S. 108A-33(d) is amended by deleting "and the Advisory Budget Commission" and substituting "and consultation with the Advisory Budget Commission".

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1985.

H.B. 349 **CHAPTER 123**

AN ACT TO ALLOW THE HERTFORD COUNTY BOARD OF EDUCATION TO LEASE LAND TO CITIES WITHOUT FINDING THAT THE LAND IS UNNECESSARY OR UNDESIRABLE FOR SCHOOL PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-274(c) is amended by adding at the end: "Provided further that no such determination need be made in the case of a lease to a city."

Sec. 2. G.S. 115C-518 is amended by adding the following new subsection:

"(b1) Leases of real and personal property by a local board of education to a city may be made in accordance with G.S. 160A-274 rather than by the procedure of this section."

Sec. 3. This act applies only to the Hertford County Board of Education.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1985.

H.B. 359 **CHAPTER 124**

AN ACT TO ALLOW DUPLIN COUNTY TO MAKE AN ADDITION TO A COUNTY BUILDING WITH ITS OWN PERSONNEL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-135 is amended by deleting "seventy-five thousand dollars ($75,000)" and substituting "one hundred twenty-five thousand dollars ($125,000)".

Sec. 2. This act applies only to an addition to the existing Health Department building.

Sec. 3. This act applies to Duplin County only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1985.

CHAPTER 125
HOUSE Bill 394

AN ACT TO ELIMINATE THE REQUIREMENT IN SCOTLAND COUNTY THAT COSMETOLOGISTS SHALL EMPLOY ONLY LICENSED PERSONNEL TO DO SHAMPOOING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 88-1 is amended by deleting from the last sentence of the second paragraph the word ", Scotland".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1985.

H.B. 422 **CHAPTER 126**

AN ACT TO REDISTRICT THE CUMBERLAND COUNTY BOARD OF EDUCATION, AND TO APPOINT TWO PERSONS TO THE CUMBERLAND COUNTY INTERIM BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Section 4B of A PLAN TO PROVIDE FOR THE MERGER AND CONSOLIDATION OF THE FAYETTEVILLE CITY BOARD OF EDUCATION AND THE CUMBERLAND COUNTY BOARD OF EDUCATION AND TO ESTABLISH ONE ADMINISTRATIVE BOARD OF EDUCATION FOR ALL OF THE PUBLIC SCHOOLS IN CUMBERLAND COUNTY, as approved under G.S. 115C-67 (hereinafter referred to as "Plan") is repealed.

Sec. 1.1. On or before June 15, 1985, the Cumberland County Interim Board of Education shall recommend to the General Assembly a proposed plan for the composition and manner of election of the Cumberland County Board of Education, which shall include some form of single-member districts. The 1985 General Assembly may consider legislation to provide for the composition and election of the Cumberland County Board of Education. Effective July 1, 1985, the Fayetteville City School Administrative Unit and the Cumberland County School Administrative Unit are merged into the Cumberland County School Administrative Unit.

Sec. 2. The first sentence of Section 5A of the Plan is rewritten to read: "The Cumberland County Interim Board of Education shall be composed of Harry Miller, Leonza Loftin, five present members of the Cumberland County Board of Education and three present members of the Fayetteville City Board of Education."

Sec. 3. The first sentence of Section 5C of the Plan is amended by deleting "The membership" and substituting "Except for persons appointed by the General Assembly, the membership".

Sec. 4. Section 5C of the Plan is amended by adding the following at the end: "In the event of a death, resignation, or removal from office of a person appointed by the General Assembly to the Cumberland County Interim Board of Education, the vacancy shall be filled by the Cumberland County Interim Board of Education before July 1, 1985, and by the Cumberland County Board of Education on or after that date."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1985.

S.B. 120 **CHAPTER 127**

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO RECIPROCAL INSPECTION AGREEMENTS WITH OTHER STATES AND THE FEDERAL HIGHWAY ADMINISTRATION FOR HIGHWAY SUPPLIES AND MATERIALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-35 is amended by adding a new sentence at the end to read:

"The Department of Transportation may enter into reciprocal agreements with other states and the Federal Highway Administration to perform inspection work and to pay reasonable fees for inspection work performed by others in connection with supplies and materials used in highway construction and repair."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1984.

S.B. 135 **CHAPTER 128**

AN ACT TO AMEND THE RESTRICTIONS ON FORCE ACCOUNT WORK AS THEY APPLY TO THE CITY OF MONROE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-135, as it appears in the 1983 Replacement Volume 3C is amended by inserting immediately after the word "concerned" in line 6 the words, "or when the work is performed by appointed agents of the agency using labor crews and equipment leased on a per diem basis pursuant to informal bids under G.S. 143-131".

Sec. 2. This act applies only to the City of Monroe.

Sec. 3. This act shall become effective June 5, 1985.

In the General Assembly read three times and ratified, this the 26th day of April, 1984.

S.B. 140 **CHAPTER 129**

AN ACT TO DESIGNATE A RIVER A POTENTIAL COMPONENT OF THE NATURAL AND SCENIC RIVERS SYSTEM AND TO PROTECT AGAINST DIRECT AND ADVERSE DEVELOPMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113A-36 is amended by adding a new subsection (c1) to read:

"(c1) Upon receipt of a request in the form of a Resolution from the Commissioners of the county or counties in which a river segment is located and upon studying the segment and determining that it meets the criteria set forth in G.S. 113A-35, the Secretary may designate the segment a potential component of the natural and scenic rivers system. The designation as a

potential component shall be transmitted to the Governor and all appropriate State agencies. Any segment so designated is subject to the provisions of this Article applicable to designated rivers, except for acquisition by condemnation or otherwise, and to any regulations adopted pursuant to this Article. The Secretary shall make a full report and, if appropriate, a proposal for an addition to the natural and scenic rivers system to the General Assembly within 90 days after the convening of the next session following issuance of the designation, and the General Assembly shall determine whether to designate the segment as a component of the natural and scenic rivers system. If the next session of the General Assembly fails to take affirmative action on the designation, the designation as a potential component shall expire."

Sec. 2. Article 3 of Chapter 113A of the General Statutes is amended by adding a new section to read:

"§ 113A-44. *Restrictions on project works on natural or scenic river.*—The State Utilities Commission may not permit the construction of any dam, water conduit, reservoir, powerhouse transmission line, or any other project works on or directly affecting any river that is designated as a component or potential component of the State natural and scenic rivers system. No department or agency of the State may assist by loan, grant, license, permit, or otherwise in the construction of any water resources project that would have a direct and adverse effect on any river that is designated as a component or potential component of the State natural and scenic rivers system. This section shall not, however, preclude licensing of or assistance to a development below or above a designated or potential component. No department or agency of the State may recommend authorization of any water resources project that would have a direct and adverse effect on any river that is designated as a component or potential component of the State natural and scenic rivers system, or request appropriations to begin construction of any such project, regardless of when authorized, without advising the Secretary in writing of its intention to do so at least 60 days in advance. Such department or agency making such recommendation or request shall submit a written impact statement to the General Assembly to accompany the recommendation or request specifically describing how construction of the project would be in conflict with the purposes of this act and how it would affect the component or potential component."

Sec. 3. G.S. 113A-35.1 is amended in the third paragraph by deleting the number "550" and substituting the number "700".

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1985.

H.B. 373 **CHAPTER 130**

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN THE TOWNS OF SOUTHERN SHORES AND KITTY HAWK.

The General Assembly of North Carolina enacts:

Section 1. Section 2-1 of the Charter of the Town of Southern Shores, being Chapter 203, Session Laws of 1979, and Section 2-1 of the Charter of the Town of Kitty Hawk, being Chapter 206, Session Laws of 1981, are each amended by adding the following at the end:

"Notwithstanding the description above in this section, the new boundary between Southern Shores and Kitty Hawk starts at the joint town limits east of the intersection of U.S. 158 Business and Duck Road, runs diagonally across the intersection to the southwest corner of the intersection and follows the south edge of the westbound lane of U.S. 158 Business to that point where the westbound lane of U.S. 158 By-Pass intersects with 158 Business, then along the south edge of the westbound lane of U.S. 158 By-Pass/Business to the junction of U.S. 158 By-Pass/Business and U.S. 158. At this point, the line runs north across the westbound lane of U.S. 158 By-Pass/Business to the existing Kitty Hawk-Southern Shores town limits along the north right-of-way of U.S. 158."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1985.

H.B. 175 **CHAPTER 131**

AN ACT TO ESTABLISH A SUPPLEMENTAL PENSION FUND FOR FIREMEN IN THE TOWN OF WILKESBORO.

The General Assembly of North Carolina enacts:

Section 1. There is established a Supplemental Pension Fund for the Fire Department of the Town of Wilkesboro to be known as the "Wilkesboro Firemen's Supplemental Pension Fund", hereinafter referred to as "Supplemental Pension Fund", and to be administered by a board composed of the members of the trustees of the Firemen's Relief Fund of the Town of Wilkesboro, established in accordance with G.S. 118-6.

Sec. 2. Notwithstanding the provisions of G.S. 118-7, all funds in the Firemen's Relief Fund of the Town of Wilkesboro in excess of five thousand dollars ($5,000) shall be transferred to the "Supplementary Pension Fund" prior to January 1, 1985, and prior to January 1 of each calendar year thereafter, so as to retain in the Firemen's Relief Fund an amount of money not greater than five thousand dollars ($5,000); provided, however, the Firemen's Relief Fund shall have restored the sums from recurring annual receipts as are necessary to maintain a fund of not less than five thousand dollars ($5,000); provided further, of the funds and subsequent recurring increments transferred from the Firemen's Relief Fund of the Town of Wilkesboro to the "Supplemental Pension Fund", any or all of the same shall be retrievable by and to the Firemen's Relief Fund

of the Town of Wilkesboro in order to defray and meet the legitimate claims accruing under the provisions and coverage of the Firemen's Relief Fund of the Town of Wilkesboro.

Sec. 3. Any person who is a member of the Wilkesboro Fire Department, or a retired member of the Wilkesboro Fire Department, as shown by the records of the Town of Wilkesboro at the time of ratification of this act, or any person who becomes a member, or any fireman of the Town of Wilkesboro who has become totally and permanently disabled and who has served as a fireman of the Town of Wilkesboro for five or more years, is eligible for benefits from the "Supplemental Pension Fund"; provided that the person has been retired as a member of the Wilkesboro Fire Department under the provisions of the North Carolina Firemen's and Rescue Squad Workers' Pension Fund as set out in Article 3, Chapter 118 of the General Statutes of North Carolina and as participated in by the Town of Wilkesboro, or as a voluntary member of the Fire Department of the Town of Wilkesboro, or has left service because of the total and permanent disability described in this section. This act does not modify or alter in any way the Worker's Compensation Laws of this State.

Sec. 4. Any member who has served 20 years as a fireman in the Wilkesboro Fire Department and has attained the age of 55 or who has served for five or more years and has become totally and permanently disabled is entitled to receive a monthly pension from the "Supplemental Pension Fund". This monthly pension shall be in the amount of seventy-five dollars ($75.00) per month. If, for any reason, the Fund shall be insufficient to pay in full any pension benefits, or other charges, then all benefits shall be reduced pro rata for as long as the deficiency in amount exists. No claim shall accrue with respect to any amount by which a benefit payment shall have been reduced.

Sec. 5. The Treasurer of the Board of Trustees of the Wilkesboro Firemen's Relief Fund shall, from time to time, pay to the city clerk sufficient funds from the "Supplemental Pension Fund" to pay the beneficiaries on the first day of each and every month any monies the beneficiaries are entitled to under the provisions of this act.

Sec. 6. The Treasurer of the Firemen's Relief Fund of the Town of Wilkesboro, as custodian of the "Supplementary Pension Fund", shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina as surety in a sum equal to the maximum amount estimated by the board of trustees as likely to be in his possession as custodian at any time within the fiscal year for which the bond is given. This bond is in lieu of the bond required by G.S. 118-6. The condition of the bond shall be that the custodian shall faithfully receive, keep, disburse, and account for, as provided in this act, all funds and property coming into his hands as custodian, and the premiums on the bond shall be paid by the Town of Wilkesboro.

Sec. 7. The custodian of the "Supplemental Pension Fund" shall invest all monies coming into his possession belonging to the "Supplemental Pension Fund", except so much as the board of trustees from time to time determine is reasonably necessary for the prompt payment of claims and expenses, in securities as the board of trustees shall select. These securities shall be limited to those named in or authorized

by either G.S. 159-30 or G.S. 159-31. Investments in certificates of deposit or time deposits in any bank or trust company or savings and loan associations shall not exceed the amount insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, unless these deposits or investments in shares are secured in the manner provided by G.S. 159-30 or G.S. 159-31.

Sec. 8. The board of trustees may accept any gift, grant, bequest, or devise or any real or personal property or other instrument of value for the use of "Supplementary Pension Fund".

Sec. 9. All laws and clauses of laws in conflict with the provisions of this act are repealed.

Sec. 10. None of the provisions of this act shall create a liability for the Wilkesboro Firemen's Supplemental Pension Fund unless sufficient current assets are available in the Fund to pay fully for the liability.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1985.

H.B. 237 **CHAPTER 132**

AN ACT TO EXEMPT FOR-HIRE PASSENGER VEHICLES OF LESS THAN FIFTEEN-PASSENGER CAPACITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-101 is amended by deleting the words "and all" after the word "property" and substituting a comma and by inserting after the words "for-hire motor carriers" the following: ", and for-hire passenger-carrying motor carriers of greater than fifteen-passenger capacity".

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 29th day of April, 1985.

S.B. 159 **CHAPTER 133**

AN ACT TO ESTABLISH A MINIMUM WEEKLY COMPENSATION FOR CERTAIN VOLUNTEER WORKERS UNDER THE WORKERS' COMPENSATION ACT.

The General Assembly of North Carolina enacts:

Section 1. The fifth paragraph of G.S. 97-2(5) is amended by adding the following at the end: "Provided, however, that the minimum compensation payable to a volunteer fireman, member of an organized rescue squad or sworn member of an auxiliary police department organized pursuant to G.S. 160A-282, or senior members of the State Civil Air Patrol shall be sixty-six and two thirds percent (66 ⅔%) of the maximum weekly benefit established in G.S. 97-29."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 29th day of April, 1985.

S.B. 185 **CHAPTER 134**

AN ACT TO AMEND SECTION 2 OF CHAPTER 1120, 1979 SESSION LAWS TO GIVE THE COUNTY OF WASHINGTON THE POWER OF CONDEMNATION TO ACQUIRE REAL PROPERTY FOR ACCESS ROADS TO ECONOMIC DEVELOPMENT COMMISSION PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 1120 of the 1979 Session Laws is amended by deleting the last sentence and inserting in lieu thereof the following: "The County and the Economic Development Commission are each authorized to lay out, construct and maintain public access roads to property acquired pursuant to this Chapter for economic development purposes. The power of condemnation may not be used for such acquisition pursuant to this Chapter, except when necessary to provide access roads to property of the Economic Development Commission."

Sec. 2. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1985.

S.B. 199 **CHAPTER 135**

AN ACT TO PROVIDE THAT THE YANCEY COUNTY BOARD OF EDUCATION SHALL BE ELECTED BY THE NONPARTISAN ELECTION AND RUNOFF ELECTION METHOD.

The General Assembly of North Carolina enacts:

Section 1. The third and fourth paragraphs of Section 1 of Chapter 203, Session Laws of 1973, are deleted and the following substituted:

"The nonpartisan election and runoff election method shall be used with the results determined as provided in G.S. 163-293, except that the runoff shall be held on the date provided by G.S. 163-111(e)."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1985.

S.B. 204 **CHAPTER 136**

AN ACT TO CHANGE THE MAXIMUM ALLOWABLE INTEREST RATES ON BONDS AND NOTES OF DRAINAGE DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 156-97(3) is amended by deleting the language "eight percent (8%)" and substituting "fourteen percent (14%)".

Sec. 2. The second sentence of G.S. 156-97(6) is amended by deleting the language "eight percent (8%)" and substituting "fourteen percent (14%)".

Sec. 3. The second sentence of G.S. 156-97.1 is amended by deleting the langauage "six percent (6%)" and substituting "fourteen percent (14%)".

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1985.

S.B. 232 **CHAPTER 137**

AN ACT TO PERMIT THE CITY OF WILSON TO INCREASE ITS PARKING PENALTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-162.1 is amended by deleting "one dollar ($1.00)" and substituting "five dollars ($5.00)".

Sec. 2. G.S. 20-162(b) is amended by adding a new sentence, immediately after the third sentence, to read: "Any person convicted of violating this subsection shall be subject to a penalty of ten dollars ($10.00)."

Sec. 3. This act shall apply to the City of Wilson only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1985.

S.B. 55 **CHAPTER 138**

AN ACT TO REFUND CERTAIN FIREMEN CONTRIBUTIONS IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO SURVIVING BENEFICIARIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-27(f1) is amended by deleting the words "fireman, shall" in the second line and inserting in lieu thereof the words "fireman and any surviving beneficiary of a member who was a uniformed fireman, shall"; and by deleting the word "member" in the 10th line and inserting in lieu thereof the words "member or surviving beneficiary".

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 30th day of April, 1985.

S.B. 155 **CHAPTER 139**

AN ACT TO AMEND THE LAW ESTABLISHING A SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF HICKORY.

Whereas, the provisions of Chapter 65 of the 1971 Session Laws, as amended by Chapter 407 of the 1981 Session Laws, provided a supplemental retirement fund for firemen in the City of Hickory and modified the application of G.S. 118-5, 118-6, and 118-7 to the City of Hickory; and

Whereas, since the creation of the supplemental retirement fund, there have been substantial changes in circumstances that would allow substantially higher benefits to be paid to retired firemen from the fund; and

Whereas, because of inflation, the true value of the benefits previously paid has been sharply reduced; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 407 of the 1981 Session Laws is amended by deleting the phrase "one thousand two hundred dollars ($1,200)" and by substituting the phrase "two thousand four hundred dollars ($2,400)".

Sec. 2. Section 3(a) of Chapter 65 of the 1971 Session Laws is amended by deleting the phrase "with 25 years or more service and has attained the age of 55" and by substituting the phrase "with 20 years or more service and has attained the age of 55, or who had 30 years or more service regardless of age, which service includes service in the United States Armed Service purchased into the North Carolina Local Governmental Employees' Retirement System".

Sec. 3. None of the provisions of this act shall create a liability for the Hickory Firemen's Supplemental Retirement Fund unless sufficient current assets are available in the Fund to pay fully for the liability.

Sec. 4. All laws and clauses of laws in conflict with this act are repealed.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1985.

H.B. 28 CHAPTER 140

AN ACT TO PROVIDE THAT RULE 56 OF THE RULES OF CIVIL PROCEDURE SHALL APPLY TO ACTIONS FOR ABSOLUTE DIVORCE.

The General Assembly of North Carolina enacts:

Section 1. A new sentence is added at the end of G.S. 50-10, to read as follows:

"The provisions of G.S. 1A-1, Rule 56, shall be applicable to actions for absolute divorce pursuant to G.S. 50-6, for the purpose of determining whether any genuine issue of material fact remains for trial by jury, but in the event the court determines that no genuine issue of material fact remains for trial by jury, the court must find the facts as provided herein."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 30th day of April, 1985.

H.B. 101 CHAPTER 141

AN ACT TO RAISE THE MINIMUM AGE FOR PURCHASE, POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND UNFORTIFIED WINE.

Whereas, the Congress of the United States enacted the Surface Transportation Assistance Act of 1982, as amended in 1984 by PL 98-363

which mandated that any State that has not adopted a minimum drinking age of 21 by fiscal year 1987 will lose five percent (5%) of its federal highway funds under the primary, secondary, interstate and urban construction programs; and, in fiscal year 1988 an additional ten percent (10%) will be withheld from those states that still have not adopted the minimum drinking age of 21; and

Whereas, unless by October 1, 1986, North Carolina has adopted a minimum drinking age of 21 it would lose substantial funds which have been paid to the Federal Government by North Carolina citizens; and

Whereas, the General Assembly has no meaningful choice but to change its laws relating to the minimum drinking age; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-300(a) is amended by deleting the number "19" and inserting in its place the number "21".

Sec. 2. G.S. 18B-302(a)(1) and (b)(1) are each amended by deleting the number "19" and inserting in its place the number "21".

Sec. 2.1. G.S. 18B-302 is amended by adding a new subsection to read:

"(i) Purchase or Possession by 19 or 20-year Old. A violation of subdivision (b)(1) of this section by a person who is 19 or 20 years old is an infraction and is punishable by a fine of not more than twenty-five dollars ($25.00). An infraction is an unlawful act that is not a crime. The procedure for charging and trying an infraction is the same as for a misdemeanor, but conviction of an infraction has no consequence other than payment of a fine. A person convicted of an infraction may not be assessed court costs."

Sec. 3. G.S. 18B-302 is amended by adding a new subsection to read:

"(h) Handling in Course of Employment. Nothing in this section shall be construed to prohibit an underage person from selling, transporting, possessing or dispensing alcoholic beverages in the course of employment, if the employment of the person for that purpose is lawful under applicable youth employment statutes and Commission rules."

Sec. 4. G.S. 20-7(n) is amended by rewriting the numbered lines to read:

"(1) Persons who have not attained the age of 21 years.

(2) Persons who have attained the age of 21 years."

Sec. 5. G.S. 20-37.7(c) is amended by rewriting the numbered lines to read:

"(1) Persons who have not attained the age of 21 years.

(2) Persons who have attained the age of 21 years."

Sec. 6. Sections 1 through 5 of this act shall become effective September 1, 1986. The remainder of this act is effective upon ratification. If the Congress of the United States repeals the mandate established by the Surface Transportation Assistance Act of 1982 relating to National Uniform Drinking Age of 21 as found in Section 6 of Public Law 98-363, or a court of competent jurisdiction declares the provision to be unconstitutional or otherwise invalid, then Sections 1, 2, 2.1, 4 and 5 of this act shall expire upon the certification of the Secretary of State that the federal mandate has been repealed or has been invalidated, and the

statutes amended by Sections 1, 2, 2.1, 4 and 5 shall revert to the form they would have without the amendments made by these Sections.

In the General Assembly read three times and ratified, this the 30th day of April, 1985.

H.B. 236 **CHAPTER 142**

AN ACT TO REPEAL SECTION 146 OF CHAPTER 1034 OF THE 1983 SESSION (REGULAR SESSION, 1984) RELATING TO THE COMPARABLE WORTH STUDY.

The General Assembly of North Carolina enacts:

Section 1. Section 146 of Chapter 1034 of the 1983 Session (Regular Session, 1984) is repealed.

Sec. 2. The State Budget Officer may terminate the contract entered into pursuant to Section 146 of Chapter 1034 according to its terms.

Sec. 3. All funds appropriated or allocated and as yet unspent for the execution of the purposes of Section 146 of Chapter 1034 shall revert to the General Fund except for those funds the State Budget Officer deems necessary to pay debts already incurred.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1985.

H.B. 435 **CHAPTER 143**

AN ACT TO ADD AN ADDITIONAL FACTOR IN DIVISION OF MARITAL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-20(c) is amended by deleting the word "and" after subsection (11) and by inserting a new subsection following subsection (11) to read:

"(11a) Acts of either party to maintain, preserve, develop, or expand; or to waste, neglect, devalue or convert such marital property, during the period after separation of the parties and before the time of distribution; and".

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 30th day of April, 1985.

S.B. 162 **CHAPTER 144**

AN ACT TO AMEND THE WORKERS' COMPENSATION ACT WITH RESPECT TO COUNTY AGRICULTURAL EXTENSION SERVICE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 97-2(2) is amended by deleting the fourth paragraph and substituting the following:

"All county agricultural extension service employees who do not receive official federal appointments as employees of the United States Department of Agriculture and who are field faculty members with professional rank as designated in the memorandum of understanding between the North Carolina Agricultural Extension Service, North Carolina State University, A & T State University and the Boards of County Commissioners shall be deemed to be employees of the State of North Carolina. All other county agricultural extension service employees paid from State or county funds shall be deemed to be employees of the county Board of Commissioners in the county in which the employee is employed for purposes of workers' compensation."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1985.

H.B. 251 **CHAPTER 145**

AN ACT TO AMEND THE LAW REGARDING PUBLIC HOSPITAL BIDDING PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. The first sentence in G.S. 143-129 is amended by inserting immediately after the phrase "ten thousand dollars ($10,000), except in cases of": "group purchases made by hospitals through a competitive bidding purchasing program or in cases of".

Sec. 2. G.S. 143-129 is further amended by adding a new sentence after the first sentence in the first paragraph to read: "For purposes of this Article, a competitive bidding group purchasing program is a formally organized program that offers purchasing services at discount prices to two or more hospital facilities."

Sec. 3. G.S. 143-56 is amended by deleting the period after "($5000)" in the second sentence and adding the following: "or for group purchases made by hospitals through a competitive bidding purchasing program, as defined in G.S. 143-129."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1985.

H.B. 334 **CHAPTER 146**

AN ACT TO PERMIT MUNICIPAL LAND PLANNING ORDINANCES TO PERMIT MONEY INSTEAD OF LAND DEDICATION FOR RECREATIONAL PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-372 is amended by adding a new paragraph at the end to read:

"The ordinance may provide that a developer may provide funds to the city whereby the city may acquire recreational land or areas to serve the development or subdivision, including the purchase of land which may be

used to serve more than one subdivision or development within the immediate area. All funds received by the city pursuant to this paragraph shall be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds that are to be provided under this paragraph shall be based on the value of the development or subdivision for property tax purposes. The ordinance may allow a combination of partial payment of funds and partial dedication of land when the governing body of the city determines that this combination is in the best interests of the citizens of the area to be served."

Sec. 2. The first sentence of G.S. 160A-372 is amended by inserting between the words "within the subdivision" and the comma the phrase: "or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1985.

H.B. 465 **CHAPTER 147**

AN ACT TO ESTABLISH THE EXTRATERRITORIAL PLANNING JURISDICTION FOR THE TOWN OF BLOWING ROCK.

The General Assembly of North Carolina enacts:

Section 1. The action of the Blowing Rock Board of Commissioners adopting an ordinance on January 8, 1985, establishing the following extraterritorial planning area is ratified, and the town may continue to exercise within the following area all or any of the powers authorized under Article 19 of G.S. Chapter 160A:

BEGINNING on an iron pin, said iron pin being corner number thirty-six of the present Town of Blowing Rock corporate limits as shown on a plat of the same recorded in Plat Book 10 at Page 95, Watauga County, North Carolina, Public Registry; thence from the beginning and with the northwestern boundary of the extarterritorial zoning area the following eight courses: (1) North 19 30′ 20″ East, 1507.97 feet; (2) North 75 02′ 20″ East 1261.08 feet; (3) North 18 02′ 30″ East, 648.69 feet; (4) North 48 24′ 30″ East 2196.47 feet; (5) North 71 03′ 10″ East, 1180.46 feet; (6) South 78 31′ 50″ East, 671.01 feet; (7) North 34 52′ 00″ East, 510.00 feet and (8) North 80 46′ 10″ East, 545.70 feet to a point being location 5,280 feet from the northeast corner of the 1983 New River Inn Annexation; thence South 36 34′ 00″ East, crossing U.S. Highway 321-221, 2251.41 feet to a point located 5,280 feet from corner number fifty-six of the present corporate limits; thence with the southeastern boundary of the zoning area the following six courses: (1) south 80 46′ 10″ West, 732.62 feet; (2) South 34 52′ 00″ West, 976.91 feet; (3) North 78 31′ 50″ West, 1,441.17 feet; (4) South 71 03′ 10″ West, 236.30 feet; (5) South 48 24′ 30″ West, 1,253.24 feet, and (6) South 24 27′ 30″ West, 1,432.55 feet to corner number fifty-six of the present corporate limits; thence westwardly with the present corporate limits of the Town of Blowing Rock, including the 1983 New River Inn Annexation,

recrossing U.S. Highway 321-221, to corner number thirty-six, the BEGINNING, containing 360 acres, all as shown on a map entitled "Townof Blowing Rock Extraterritorial Zoning Map" dated December, 1984, which map is on file in the Office of the Town Clerk.

Sec. 2. The Town of Blowing Rock may amend its extraterritorial planning area from time to time in accordance with the provisions of G.S. 160A-360.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1985.

S.B. 114 **CHAPTER 148**

AN ACT FOR THE COUNTY OF ONSLOW AND ITS MUNICIPALITIES AND FOR THE COUNTY OF NASH CONCERNING ZONING.

The General Assembly of North Carolina enacts:

Section 1. A city or county in addition to the authority conferred upon them by any general or local law, may by ordinance regulate in any portion or portions of its zoning jurisdiction, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry or other purposes. Provided, however, that no county ordinance may affect bona fide farms, but any use of farm property for nonfarm purposes is subject to such county ordinance.

For any or all of these purposes, the city or county may divide its zoning jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this act; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structure or land. All regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the city or county may provide for the creation of conditional use districts in addition to general use districts.

It is the purpose and intent of this act to permit a city or county to create general use districts in which a variety of uses are permitted, and also to create conditional use districts in which uses are permitted only upon the issuance by the governing board of a conditional use permit prescribing the conditions under which such use will be permitted.

A person petitioning for rezoning of a tract of land, where conditional use districts are authorized by ordinance, may elect to request general use district zoning for said tract, or he may elect to request conditional use district zoning for said tract.

If the petitioner elects to petition for general use district zoning, the governing board may not consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. If the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district.

If the petitioner elects to petition for conditional use district zoning, the petitioner must specify the actual use or uses intended for the property specified in the petition, and the intended use or uses must be permitted in the corresponding general use district either by right or by conditional use. If the petition is for conditional use district zoning, the governing board is to approve or disapprove the petition on the basis of the uses requested. If the petition is approved, the governing board shall issue a conditional use permit authorizing the requested use or uses with such reasonable conditions as the governing board determines to be desirable in promoting public health, safety, and general welfare. Every decision of the governing board to issue or deny a conditional use permit shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

The conditions contained in a conditional use permit issued by the governing board may include: Location of the proposed use or uses on the property; the number of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas; the timing of development; and such other matters as the governing board may find appropriate or the petitioner may propose.

Sec. 2. This act applies only to: Onslow County, the city of Jacksonville, the towns of Holly Ridge, Richlands, and Swansboro, and Nash County.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1985.

S.B. 150 **CHAPTER 149**

AN ACT TO INCREASE THE CERTIFIED PUBLIC ACCOUNTANT EXAMINATION FEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 93-12(7) is amended by deleting "one hundred twenty-five dollars ($125.00)" and substituting "two hundred dollars ($200.00)".

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of May, 1985.

H.B. 304 **CHAPTER 150**

AN ACT TO ALLOW THE GOVERNING BODY OF ANY COUNTY OR MUNICIPALITY TO DELEGATE THE AUTHORITY TO MAKE CERTAIN REFUNDS AND RELEASES OF PROPERTY TAXES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-381(b) is amended by deleting the second sentence of that subsection and substituting the following sentences to read:

"The governing body may, by resolution, delegate its authority to determine requests for a release or refund of tax of less than one hundred dollars ($100.00) to the finance officer, manager, or attorney of the taxing unit. A finance officer, manager, or attorney to whom this authority is delegated shall monthly report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body."

Sec. 2. Chapter 1154 of the 1981 Session Laws (Regular Session 1982) is amended by deleting the word "UNION" in the title of that Chapter and substituting the word "FORSYTH", and by deleting the word "Union" in Section 2 of that Chapter and substituting the word "Forsyth".

Sec. 3. Chapter 182 of the 1983 Session Laws is repealed.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1985.

H.B. 326 **CHAPTER 151**

AN ACT TO ANNEX CERTAIN TOWN OWNED PROPERTY TO THE TOWN OF AYDEN.

The General Assembly of North Carolina enacts:

Section 1. The corporate limits of the Town of Ayden are extended to include the area within the following boundary:

BEGINNING at the intersection of the north line of Hines Street in Ayden with the east line of Seaboard Coast Line Railroad and running with Hines Street S 83°-45′-12″ W, 25.754 feet to a point; thence, along a line parallel with and 40 feet from the railroad centerline N 07°-38′-57″ E, 3153.341 feet to a point at Mile Post AA-158; thence, S 82°-21′-03″ E, 25.000 feet to the east line of Seaboard Coast Line Railroad; thence, S 07°-38′-57″ W, 47.728 feet to a point in the line of the Ayden Cemetery; thence, with the Ayden Cemetery the following courses: S 82°-21′-03″ E, 329.790 feet; S 07°-38′-57″ W, 35.000 feet; S 63°-35′-26″ E, 190.350 feet; S 07°-37′-53″ W, 267.999 feet; N 82°-19′-35″ W, 510.110 feet to the east line of Seaboard Coast Line Railroad; thence, with the east line of Seaboard Coast Line Railroad S 07°-38′-57″ W, 2023.995 feet to the northwest corner of the Ayden Nitrogen Inc. lot; thence, with the Ayden Nitrogen Inc. line S 07°-38′-57″ W, 711.433 feet to the north line of Hines Street, the point of beginning.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1985.

H.B. 342 **CHAPTER 152**

AN ACT TO PERMIT THE CITY OF JACKSONVILLE TO INCREASE ITS PARKING PENALTIES TO FIVE DOLLARS.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 160, Session Laws of 1983 is amended by adding immediately after "Winston-Salem" the words "and the City of Jacksonville".

Sec. 2. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1985.

H.B. 390 **CHAPTER 153**

AN ACT TO CLARIFY THE INSIGNIA TO BE PLACED ON MILITARY RESERVE LICENSE PLATES.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 20-80.1(b) is rewritten to read: "The license plate shall bear the insignia of the appropriate service."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1985.

S.B. 27 **CHAPTER 154**

AN ACT RELATING TO INSTALLMENT LOANS, LOANS SECURED BY SECONDARY MORTGAGES, AND LOANS BY LICENSEES UNDER THE NORTH CAROLINA CONSUMER FINANCE ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 24-1.1A(a) is amended by adding at the end a new subdivision to read:

"(4) Notwithstanding any other provision of law, where the lender is an affiliate operating in the same office or subsidiary operating in the same office of a licensee under the North Carolina Consumer Finance Act, the lender may charge interest to be computed only on the following basis: monthly on the outstanding principal balance at a rate not to exceed the rates provided for under G.S. 24-1.2(2a)."

Sec. 2. G.S. 24-10(g) is amended by adding at the end a new sentence to read: "The fees or discounts are fully earned when the loan is made and are not a prepayment penalty under this Chapter or any other law of this State."

Sec. 3. G.S. 24-13 is amended by deleting the phrase "and (c)" and substituting the phrase "(c) and (f)".

Sec. 4. G.S. 24-14 is amended by adding a new subsection to read:

"(f) In addition to the interest permitted by subsection (a), the lender may include in the principal balance fees or discounts not exceeding two percent (2%) of the principal amount of the loan less the amount of any

existing loan by that lender to be refinanced, modified or extended. The fees and discounts are fully earned when the loan is made and are not a prepayment penalty."

Sec. 5. G.S. 24-16.1 is amended by adding at the end a new sentence to read: "G.S. 24-12 to 24-17 shall not apply to a loan made under Article 1 of this Chapter."

Sec. 6. G.S. 53-166(a) is amended by deleting the phrase "three thousand dollars ($3,000)" and substituting the phrase "ten thousand dollars ($10,000)".

Sec. 7. G.S. 53-172 is amended in the first paragraph by deleting the second sentence.

Sec. 8. The first paragraph of G.S. 53-172 is amended by adding the following sentence:

"The making of home loans as defined in G.S. 24-1.1A(e) shall not be authorized by the Commissioner."

Sec. 9. G.S. 53-172 is amended by adding a new paragraph to read:

"Each affiliate operating in the same office or subsidiary operating in the same office of a licensee making home loans as defined in G.S. 24-1.1A(e), shall report to the Attorney General of North Carolina each quarter information concerning home loans as follows: number, rate of interest charged, principal amounts, terms, number of consumer loans refinanced by loans secured by real estate, and number of foreclosures.

The North Carolina Commissioner of Banks will approve the forms for reporting. If an affiliate operating in the same office or a subsidiary operating in the same office of a licensee fails to file the report within 30 days after the due date as required by the Attorney General, the Attorney General shall advise the North Carolina Commissioner of Banks who may revoke under G.S. 53-172 that affiliate's or subsidiary's authority to do business in the same office as the licensee. The Attorney General shall submit a report to the General Assembly no later than December 31, 1986, concerning the loans made pursuant to the authority granted under this Article. The report shall contain the information listed above, plus any recommendations of the Attorney General, if he has any recommendations."

Sec. 10. G.S. 53-180(h) is rewritten to read:

"(h) Limitations on home loans. No affiliate operating in the same office or subsidiary operating in the same office of a licensee shall make any home loan as defined in G.S. 24-1.1A(e) in a principal amount of less than three thousand dollars ($3,000)."

Sec. 11. G.S. 53-180(f) is rewritten to read:

"(f) No licensee shall make any loan within this State which shall in any way be secured by real property."

Sec. 12. G.S. 53-180 is amended to add a new subsection to read:

"(i) A licensee or an affiliate operating in the same office or subsidiary operating in the same office of a licensee shall not make as a condition of any loan the refinancing of a borrower's home loan as defined in G.S. 24-1.1A(e) which is not currently in default."

Sec. 13. G.S. 53-166(d) is amended by adding the following sentence at the end thereof:

"If an affiliate operating in the same office or subsidiary operating in the same office of a licensee makes a loan in violation of G.S. 53-180(i) such affiliate or subsidiary may recover only its principal on such loan."

Sec. 14. Sections 1, 10, 12 and 13 of this act are effective upon ratification and shall expire on July 31, 1987. Section 8 of this act shall become effective July 31, 1987. The remaining sections of this act are effective upon ratification and apply to loans made after that date.

In the General Assembly read three times and ratified, this the 6th day of May, 1985.

S.B. 161 **CHAPTER 155**

AN ACT TO CHANGE THE MANNER OF ELECTION OF THE LINCOLN COUNTY BOARD OF EDUCATION FROM PARTISAN TO NONPARTISAN PLURALITY ELECTION, AND TO PROVIDE FOR ELECTION BY RESIDENCE DISTRICT INSTEAD OF NOMINATION BY VOTING DISTRICT AND ELECTION BY RESIDENCE DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. The second through sixth sentences of the second paragraph of Section 5 of Chapter 876, Session Laws of 1973, are rewritten to read:

"Persons to be elected from districts shall reside in the district they represent, but the qualified voters of the entire county shall elect all members of the board. Each candidate for election to the Lincoln County Board of Education shall file a notice of candidacy with the Lincoln County Board of Elections, and if the candidacy is for a district seat, the notice shall show in which township (or part of township for Lincolnton Township) the person resides. All candidates for election shall file the notice of candidacy during the period prescribed by G.S. 163-106(c), and shall pay a filing fee of ten dollars ($10.00). The election of the Lincoln County Board of Education shall be conducted by the nonpartisan plurality method, and the results determined in accordance with G.S. 163-292. The date for the election shall be the date of the general election as determined by G.S. 163-1. Except as provided by this act, the election shall be conducted by the Lincoln County Board of Elections in accordance with Chapter 163 of the General Statutes."

Sec. 2. The second sentence of the third paragraph of Section 5 of Chapter 876, Session Laws of 1973, is rewritten to read: "Biennially thereafter, at each general election for State and county officers the vacancies occurring in the membership of the Lincoln County Board of Education shall be filled by election as the terms of the members expire, and the members shall be elected for four-year terms."

Sec. 3. The last paragraph of Section 5 of Chapter 876, Session Laws of 1973, is amended by deleting "Chapter 115" and substituting "Chapter 115C".

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1985.

S.B. 215 **CHAPTER 156**

AN ACT TO INCORPORATE THE VILLAGE OF BALD HEAD ISLAND.

Whereas, Bald Head Island is suitably located in a subtropic environment and blessed with temperate climates from the Atlantic Ocean and is conducive to the maintenance of a comfortable life-style for permanent homes, retirement, vacations, and relaxation with an emphasis on environmental controls and a planned community; and

Whereas, the seasonal population trend is projected from the present 500 to a planned potential of 5,000 and the advantages of a municipal form of government, with modifications and limitations as specified herein is desirable to achieve their goals of a planned community; and

Whereas, notwithstanding G.S. 160A-3 et al, the specific limitations contained herein shall be construed as restrictive and not supplementary to the general law in order that the unique form of management and performance of services of the Village contained herein may be preserved; and

Whereas, the Village of Bald Head Island can serve as a model for cooperation between government and property owner representatives in efficient service and good planning without duplication in expenditures or unnecessary taxation; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Village of Bald Head Island, as described in Section 2 of this act is incorporated.

Sec. 2. The Charter of the Village of Bald Head Island is as follows:

"CHAPTER I.
"Incorporation and Corporate Powers.

"Sec. 1-1. *Incorporation and corporate powers.* The inhabitants of the Village of Bald Head Island are a body corporate and politic under the name of the 'Village of Bald Head Island'. As used herein the term 'Village' shall be synonymous with the word 'Town' or 'City' for purposes of North Carolina law. Under that name the Village of Bald Head Island has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina, unless specifically restricted herein.

"CHAPTER II.
"Corporate Boundaries.
"Article 1. Village Boundaries.

"Sec. 2-1. *Village boundaries.* Boundaries of the Village of Bald Head Island are as follows:

"BEGINNING at a point near the mouth of the Cape Fear River, being N.C. Grid Coordinates 42,000 N, 2,300,000 E; thence northerly with the eastern shoreline of the Cape Fear River, a line 600 feet more or less offshore, due North 3,000.00 feet to a point having N.C. Grid Coordinates 45,000 N, 2,300,000 E; thence continuing along a line 600 feet more or less offshore N36-52-11E 10,000.00 feet to a point in the Cape Fear River

opposite the mouth of Cape Creek, having N.C. Grid Coordinates 53,000 N, 2,306,000 E; thence S33-41-24E 14,422.20 feet and along the centerline of Cape Creek to a point in Cape Creek having N.C. Grid Coordinates 41,000 N, 2,314,000 E; thence due East 2,000.00 feet to a point in the Atlantic Ocean 600 feet more or less offshore having N.C. Grid Coordinates 41,000 N, 2,316,000 E; thence along a line 600 feet more or less offshore 7,071.1 feet to a point having N.C. Grid Coordinates 34,000 N, 2,317,000 E; thence continuing along a line 600 feet more or less offshore N64-47-56W 18,788.3 feet to the point of BEGINNING, containing 3,294 acres more or less.

Bald Head Island is located in Brunswick County, North Carolina, and is accessible to the mainland by boat across the Cape Fear River and contains about 3,294 acres and is bounded by the Atlantic Ocean on the South and East and on the West by Cape Fear River and on the North by Cape Creek and an area of about 6,000 acres that has been conveyed to the State of North Carolina as a natural conservation area.

"CHAPTER III.
"Governing Body.

"Sec. 3-1. *Structure of governing body; number of members.* The governing body of the Village of Bald Head Island is the Village Council which shall initially have five members consisting of a Mayor and four other members.

"Sec. 3-2. *Manner of selection of Village Council.* Each owner of a fee simple interest in real property within the Village of Bald Head Island shall be a member of the Bald Head Association (the Association) and as such have a vote with respect to all actions of the Association, as prescribed in the Association bylaws. In addition to any other activities of the Association as specified in its bylaws, the Association shall each year elect approximately one-third of its Board of Directors for staggered terms of three years. The said Board of Directors shall, within 60 days following the effective date of this act, appoint three Association members to serve on the Village Council of Bald Head Island. One of the members of the Council so appointed shall serve for a term of one year, one for a term of two years, and one for a term of three years. Thereafter, all appointments by the Board of Directors of the Bald Head Association shall be for a term of three years. Vacancies shall be filled by said Association.

In addition, Bald Head Island Limited, principal developer of Bald Head Island, or its successor or assigns, shall, within 60 days following the effective date of this act, appoint two Association members to serve on the Village Council. One of the members of the Council so appointed shall serve for a term of one year, and one for a term of two years. Thereafter, all appointments by Bald Head Island Limited or its successor, shall be for a term of two years. Vacancies shall be filled by said Bald Head Island Limited or its successor or assigns.

Notwithstanding the above, seven years after the effective date of this act the number of members of the Village Council to be appointed by the Board of Directors of Bald Head Association shall be increased to four (but with three-year staggered terms being maintained), and the number of appointees by Bald Head Island Limited or its successor, shall be reduced

to one. Furthermore, 14 years following the effective date of this act the number of appointees to the Village Council by the Board of Directors of the Bald Head Association shall be increased to five (with three-year staggered terms maintained), and no further appointments shall be made by Bald Head Island Limited or its successor or assigns.

The appointed members of the Village Council shall annually elect from their membership one member as the Mayor, who, with the other members, shall serve as the Council. The Mayor shall have full voting rights.

The members of the Village Council shall take the same oath of office as does an elected mayor and member of a city council, and in general exercise all power and authority granted by the Constitution and laws of North Carolina to an elected governing body of a municipality, except as provided otherwise herein.

"Sec. 3-3. *Form of government.* The Village of Bald Head Island shall operate under the Mayor-Council plan of government as provided in G.S. 160A-155 *et seq.*

"Sec. 3-4. *Compensation.* The Mayor and Council shall receive no compensation for their services but may be reimbursed for necessary expenses.

"CHAPTER IV.
"Miscellaneous.

"Sec. 4-1. *Development plan.* The Village of Bald Head Island is hereby deemed to have adopted the plans of development heretofore established by Bald Head Island Limited as appears in Map Book 12, Page 1-11, 14-17, 36, 37, 39; Map Cabinet J, Page 178-184, 319; Map Cabinet I, Page 373; Map Cabinet L, Page 195; Map Cabinet M, Page 84, 85, 86; and as appears in Book 498, Page 260, Brunswick County Registry with regards to covenants and restrictions and the designation of residential, business, and commercial areas; provided, however, that the Village is also deemed to have adopted as the plan of development for that portion of the Village known as Middle Island and described in Deed Book 399 at page 448 in the Brunswick County Public Registry, the plans established by the restrictions, conditions and easements contained in the instrument recorded in Book 399 at page 448 and the plats appearing in Map Cabinet O, Page 57; and Map Cabinet N, Page 287 all in the Brunswick County Public Registry. All zoning ordinances and subdivision controls and other ordinances adopted by the Village Council shall conform with the plans of development herein referred to.

The Village Council will adopt by ordinance plans of development for the remaining part of the Village of Bald Head Island and the designation of residential, business, and commercial areas which conform to and are consistent with the plans hereafter established by Bald Head Island Limited its successors or assigns on or before December 31, 1999, which plans shall be compatible with the existing development.

The Village Council may regulate the planning, development and subdivision of land within its territorial jurisdiction as provided in G.S. 160A-360 but any such regulations shall be consistent with the plan

heretofore or hereafter established for the development of Bald Head Island up through December 31, 1999.

"Sec. 4-2. *Contracts for services.* a. The Village Council shall enter into contracts with the Bald Head Association and shall pay the reasonable cost thereof from appropriated Village funds, so long as said Association is legally constituted and able to perform municipal services to the fullest extent feasible for the following purposes:

(i) Administrative services;
(ii) General security under the direction of the Village Police Chief;
(iii) General fire protection under the direction of the Village Fire Chief;
(iv) General maintenance of streets, parking, parks and common area;
(v) General building inspection and enforcement of zoning, planning and subdivision standards under the direction of the Village governing body and building inspector;
(vi) General landscaping, appearance and aesthetic services and services for garbage, solid wastes and trash, and pest control services;
(vii) Emergency medical and rescue services; and
(viii) Administration of ordinances adopted by the Village Council as delegated from time to time.

If Bald Head Association shall be dissolved or reorganized or superseded by another association representative of all property owners, the Village Council shall cooperate with the successor organization to the fullest possible extent.

If any court shall declare that any of the foregoing services must be performed solely by the Village, the Village Council shall cooperate to the fullest possible extent with Bald Head Association or other associations representative of all property owners within the Village in the performance of such services.

b. The Village Council may enter into contracts with any other governmental entity, or any individual, association, or corporation to furnish services of a governmental or proprietary nature to the municipality and the municipality may furnish such services to inhabitants or groups within the municipality on a reciprocal basis for reasonable compensation.

c. Services which may be performed or provided on a reciprocal contract basis may include, but are not limited to, law enforcement, fire protection, sanitary services, emergency medical service, building inspection, accounting and administrative services.

d. The Village Council may enter into contracts and franchises for all forms of utility services.

e. The provisions of 4-2(a), (b) and (c) are designed to give the Village Council an alternative means of carrying out municipal functions through the most efficient and reasonable means.

"Sec. 4-3. *Statutory modifications.* a. The Village Council may regulate the speed and operation of motorboats and control noise and waste from powerboats and sailboats within the Village jurisdiction to preserve the tranquility and environment of Bald Head Island.

b. The Village Council may establish and maintain streets in a manner to preserve aesthetic considerations and streets need not be opened or constructed to the standard width or requirements for general public roads in the State, and no street shall be under the authority of the State Department of Transportation.

c. The Village Council may construct, reconstruct, plant and maintain sand dunes and regulate access to and across dunes to prevent or repair damage to dunes so as to provide protection against erosion or overwash.

d. The Village Council may by ordinance establish standards of dress, conduct and decorum on the beaches of Bald Head Island.

e. In the interest of the health, safety and aesthetic enjoyment of the residents and visitors, the Village may regulate the size, weight and engine or motor or power characteristics of all vehicles or conveyances in use within the municipal boundaries.

f. The provisions of General Statutes Chapter 18B apply to the Village.

g. G.S. 18B-101 is amended by adding a new subdivision (11a) to read as follows:

'(11a) "Off Shore Resort" means an incorporated village with no access to the mainland by public street, highway, or bridge.'

h. G.S. 18B-603 is amended by adding a new subsection (f1) to read as follows:

'(f1) Permits for Off Shore Resorts - The Commission may issue the permits listed in G.S. 18B-1001 to qualified persons and establishments located within an Off Shore Resort, without approval at an election. If an Off Shore Resort does not have an ABC store located within its corporate limits, the mixed beverages purchase-transportation permit authorized by G.S. 18B-404(b) shall be issued by the local board operating the store closest to the Off Shore Resort.'

"CHAPTER V.
"Taxation.

"Sec. 5-1. *Budget.* a. The newly incorporated Village of Bald Head Island is authorized to adopt a budget and levy property taxes for any portion of the 1984-85 fiscal year during which it is incorporated, and for every fiscal year thereafter.

b. In adopting the budget and levying taxes for a portion of fiscal year 1984-85 and for fiscal year 1985-86 the Village Council need not follow the schedule of action set forth in the Local Government Budget and Fiscal Control Act, but shall observe the sequence of actions in the spirit of the act insofar as is practical and in future budget years, the Village Council shall follow the sequence of action in the Local Government Budget and Fiscal Control Act insofar as is practical and consistent with this municipal charter.

c. In adopting its initial and all subsequent budgets, the Village Council will consult with and coordinate its budgetary actions with those of the Bald Head Association in order to prevent duplication of services and assessments.

"Sec. 5-2. *Limitation.* In order to avoid duplication of services and to develop a model for cooperation between municipal government and an

association representative of property owners, the Village Council may not levy property taxes for purposes set forth in G.S. 160A-209(c) that exceed one dollar and fifty cents ($1.50) on the one hundred dollars ($100.00) appraised value of property subject to taxation, after taking into account the combined cost to property owners of municipal services performed by the Village and by Bald Head Association."

Sec. 3. This act shall become effective 10 days after ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1985.

H.B. 273 **CHAPTER 157**

AN ACT TO AMEND AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE TOWN OF TARBORO AND TO MODIFY THE APPLICATION OF G.S. 118-5, 118-6, AND 118-7 TO THE TOWN OF TARBORO.

The General Assembly of North Carolina enacts:

Section 1. Chapter 261 of the 1973 Session Laws is rewritten to read:

"Section 1. Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen's Relief Fund of the Town of Tarboro, as established in accordance with G.S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Tarboro Firemen's Supplemental Retirement Fund, hereinafter called the Supplemental Retirement Fund, and shall maintain books of account for the Fund, separate from the books of account of the Firemen's Local Relief Fund of the Town of Tarboro, hereinafter called the Local Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this act.

Sec. 2. Transfers of Funds and Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the Town of Tarboro shall:

(1) prior to January 1, 1974, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, of the Local Relief Fund in excess of twenty-five thousand dollars ($25,000);

(2) at any time when the amount of funds in the Local Relief Fund shall, by reason of disbursements authorized by G.S. 118-7, be less than twenty-five thousand dollars ($25,000), transfer from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Relief Fund the sum of twenty-five thousand dollars ($25,000);

(3) as soon as practicable after January 1 of each year, but in no event later than July 1, distribute the sum of the annual funds paid to the Local Relief Fund by authority of G.S. 118-5 the income earned in the preceding calendar year upon investments of funds belonging to the Local Relief Fund and the income earned in the preceding calendar year upon investments of funds belonging to the Supplemental Retirement Fund as Supplemental Retirement benefits in accordance with Section 3 of this act; provided, however, any funds not paid out as benefits as set forth in

Section 3 of this act, shall become a part of the Supplemental Retirement Fund.

Sec. 3. Supplemental Retirement Benefits. (a) Each fireman, whether fully paid or part paid, who retired subsequent to January 1, 1970, with 20 years or more service and who has attained the age of 55, is entitled to and shall receive in each calendar year following the calendar year in which he retires an annual supplemental retirement benefit as hereinafter set forth. The total annual payments may not exceed ninety percent (90%) of the annual income of the Fund. The total amount to be distributed is at the discretion of the Board of Trustees. Individual payments may not exceed the yearly individual amount paid by the North Carolina State Firemen's Pension Fund. In the year of retirement or in the year of death after retirement, payment shall be prorated by the month. Credit for a whole month shall be given for service for at least 15 days of the last month of service. Firemen retiring prior to December 15 shall receive their pro rata payment at the next annual payment date.

(b) Any fireman retiring after December 15 will receive no benefits the following year. Full benefits shall be awarded following the first full year of retirement. Death benefits shall be awarded, prorated by the month for the year in which death occurs. Final payment shall be made during the calendar year following death.

(c) Any fireman who is not otherwise entitled to supplemental retirement benefits under subsection (a) of this section shall nevertheless be entitled to these benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

(1) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) that within 30 days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina, certified that he was at this time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or any other department of the town a position of employment, the normal duties he was capable of performing.

(d) Any fireman who transfers into the Tarboro Fire Department may transfer his longevity to the fire department but shall remain active for a period of five years in the Tarboro Fire Department to become eligible to participate in the Tarboro Supplemental Retirement Fund. Time spent in the Tarboro Fire Department will be pro rated, based upon his years of service with the Tarboro Fire Department, as follows:

(1) After service for at least five years, twenty-five percent (25%);

(2) After service for at least 10 years, fifty percent (50%);

(3) After service for at least 15 years, seventy-five percent (75%); and

(4) After service for at least 20 years, one hundred percent (100%).

(e) Any member transferred to the Tarboro Fire Department, who becomes disabled while performing his duties in the Tarboro Fire

Department shall be entitled to full benefits regardless of his number of years of service.

(f) Any member transferred to the Tarboro Fire Department who becomes unable to perform his duties for reason of sickness or injury not in the line of duty, shall be entitled to benefits as listed in Section 3, subsection (d).

(g) If, for any reason, the Fund is insufficient to pay in full any pension benefits, or other charges, then all benefits shall be reduced pro rata, for as long as the deficiency in amount exists. No claim shall accrue with respect to any amount by which a benefit payment has been reduced.

Sec. 4. Intention. It is the intention of Section 3 of this act to authorize the disbursement as supplemental retirement benefits only from the income derived in any calendar year from funds received pursuant to the provisions of Section 2, subsection (c). It is the intention of Section 2 of this act to require that the funds paid into the Supplemental Retirement Fund pursuant to subsections (a) and (c) shall be held in trust, and that no funds paid to the Supplemental Retirement Fund pursuant to subsections (a) and (c) thereof or as a gift, grant, bequest, or donation to such Fund may ever be disbursed except as and when required by Section 2(b).

Sec. 5. Investment of Funds. The Board of Trustees may invest any funds, either of the Local Relief Fund or of the Supplemental Retirement Fund, in any investment named in or authorized by G.S. 159-30, and only in accordance with the provisions thereof, and shall invest all of the funds of the Supplemental Retirement Fund in one or more of these investments.

Sec. 6. Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

Sec. 7. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees and conditioned upon the faithful performance of his duties; this bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees shall pay from the Local Relief Fund the premiums of the bond of the Treasurer.

Sec. 8. None of the provisions of this act shall create a liability for the Tarboro Firemen's Supplemental Retirement Fund unless sufficient current assets are available in the Fund to pay fully for the liability.

Sec. 9. If any provisions of this act are declared invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Sec. 10. All laws and clauses of laws in conflict with this act are hereby repealed."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1985.

H.B. 370 **CHAPTER 158**

AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO EXEMPT CHILDREN ALREADY ENROLLED IN SCHOOL FROM NEW IMMUNIZATION REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-152 is amended by adding a new subsection (e) to read as follows:

"(e) When the Commission requires immunization against a disease not listed in paragraph (a) of this section, or requires an additional dose of a vaccine, the Commission is authorized to exempt from the new requirement children who are or who have been enrolled in school (k-12) on or before the effective date of the new requirement."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1985.

H.B. 376 **CHAPTER 159**

AN ACT TO PROVIDE A LOCAL SUPPLEMENTAL RETIREMENT BENEFIT FUND FOR FIRE FIGHTERS IN THE TOWN OF CARY AND TO MODIFY THE APPLICATION OF G.S. 118-5 AND G.S. 118-7.

The General Assembly of North Carolina enacts:

Section 1. Local Supplemental Retirement Benefit Fund Established. There is established a Local Supplemental Retirement Benefit Fund for the Fire Department of the Town of Cary to be known as the "Cary Local Firemen's Supplemental Retirement Benefit Fund", hereinafter referred to as "Local Supplemental Retirement Benefit Fund", and to be administered by a board composed of the members of the trustees of the Local Firemen's Relief Fund of the Town of Cary, established in accordance with G.S. 118-6.

Sec. 2. Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the Town of Cary shall as soon as practicable after July 1 of each year, but in no event later than October 1, transfer to the "Local Supplemental Retirement Benefit Fund" all income resulting from investments of funds belonging to the Cary Local Firemen's Relief Fund, divide the income earned in the preceding calendar year upon investments of funds belonging to the Local Firemen's Relief Fund into equal shares, and disburse the same as a Local Supplemental Retirement Benefit in accordance with Section 3 of this act.

Sec. 3. Determination of Benefits. The Board of Trustees shall:

(1) Determine the total years of service by adding together all the completed years of service of all retired fire fighters;

(2) Divide the earned income of the preceding calendar year by the total years of service as determined in (1) above. The answer constitutes an "equal share" for the preceding year's earned income; and

(3) Compute each fire fighter's Local Supplemental Retirement Benefit for that year by multiplying his or her completed years of service times an "equal share".

Sec. 4. Supplemental Retirement Benefits.

(a) Each retired fire fighter of the Town of Cary who has retired with 20 or more years of fire service as a fire fighter, and who has attained the age of 55 is entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a fire fighter; provided, in no event shall any retired fire fighter be entitled to or receive in any year an annual benefit in excess of one thousand two hundred dollars ($1,200).

(b) Any fire fighter of the Town who is not otherwise entitled to supplemental retirement benefits under subsection (a) of this section, is nevertheless entitled to benefits if the Board of Trustees makes the following written findings of facts:

(1) That he or she initially retired from his or her position as fire fighter because of his or her inability, by reason of sickness or injury, to perform the normal duties of an active fire fighter; and

(2) That, within 30 days prior to or following his or her initial retirement as a fire fighter, at least two physicians licensed to practice medicine in North Carolina certified that he or she was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fire fighter; and

(3) That, at the time of his or her initial retirement as a fire fighter, there was not available to him or her in the fire department or any other department of the Town a position of employment the normal duties of which he or she was capable of performing.

Sec. 5. If, for any reason, the Fund is insufficient to pay in full any pension benefits, or other charges, then all benefits shall be reduced pro rata, for as long as the deficiency in amount exists. No claim shall accrue with respect to any amount by which a benefit payment has been reduced.

Sec. 6. None of the provisions of this act shall create a liability for the Cary Local Firemen's Supplemental Retirement Benefit Fund unless sufficient current assets are available in the Fund to pay fully for the liability.

Sec. 7. If any provisions of this act shall be declared invalid by a court of competent jurisdiction, this invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Sec. 8. All laws and clauses of laws in conflict with this act are repealed.

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1985.

H.B. 419 **CHAPTER 160**

AN ACT TO ALLOW NOTICE OF A MINERAL INTEREST TO BE MADE ON BEHALF OF A CLAIMANT BY AN AGENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-42.9(b) is amended by rewriting the last sentence of that subsection to read:

"The notice may be made and recorded by the claimant, by any person authorized by the claimant to act on his behalf, or by any person acting on behalf of any claimant who is under a disability, unable to assert a claim on his own behalf, or one of a class whose identity cannot be established or is uncertain at the time of filing such notice of claim for record."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1985.

S.B. 212 **CHAPTER 161**

AN ACT TO PROVIDE FOR FEES TO BE COLLECTED BY THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-270.33 is written to read:

"§ 90-270.33. *Fees.*—The Board may collect fees established by its rules, but those fees shall not exceed the following schedule for the specified items:

(1)	Each application for licensure	$100.00
(2)	License renewal	$ 40.00
(3)	Transfer/verification/replace certificate	$ 15.00
(4)	Examination retake	$ 30.00
(5)	Late renewal	$ 20.00
(6)	Licensure revival (in addition to renewal)	$ 25.00
(7)	Directory	$ 5.00
(8)	Licensee lists	$ 60.00

In all instances where the Board uses the services of a national testing service for preparation, administration, or grading of examinations, the Board may charge the applicant the actual cost of the examination services, in addition to its other fees."

Sec. 2. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 7th day of May, 1985.

H.B. 225 **CHAPTER 162**

AN ACT TO MAKE A TECHNICAL CORRECTION IN G.S. 32A-1.

The General Assembly of North Carolina enacts:

Section 1. G.S. 32A-1 is amended in the specified form by deleting the phrase

"Dated_____, 19____

_____
Signature"

and substituting the phrase

"Dated_____, 19____

_____(Seal)
Signature"

Sec. 2. No power of attorney executed pursuant to Chapter 32A of the General Statutes prior to October 1, 1985, shall be invalid for the reason that the power of attorney was not signed by the principal under seal.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1985.

H.B. 277 **CHAPTER 163**

AN ACT TO INCREASE THE REQUIREMENTS FOR PESTICIDE APPLICATOR LICENSES FOR PILOTS.

The General Assembly of North Carolina enacts:

Section 1. The third and fourth sentences of G.S. 143-453(a) are rewritten to read:

"Those qualifications, in the case of a pilot, shall include at least 125 hours and one year's flying experience as a pilot in the field of aerial pesticide application. A pilot lacking 125 hours and one year's experience as a pilot in the field of aerial pesticide application shall be licensed as an apprentice aerial pesticide applicator pilot. All aerial applications of pesticides by a licensed apprentice shall be conducted under the direct supervision of a licensed pesticide applicator pilot. The supervising pilot, while directly supervising an apprentice, shall operate out of the same airstrip as the apprentice and shall be available periodically throughout each day to provide advice and assistance to the apprentice."

Sec. 2. This act shall become effective January 1, 1987.

In the General Assembly read three times and ratified, this the 7th day of May, 1985.

S.B. 127 **CHAPTER 164**

AN ACT TO ELIMINATE UNNEEDED CAMPAIGN FINANCE REPORTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.9(a)(5) is repealed.

Sec. 2. G.S. 163-278.40B(3) is repealed.

Sec. 3. G.S. 163-278.40C(2) is repealed.

Sec. 4. G.S. 163-278.40D(2) is repealed.

Sec. 5. G.S. 163-278.40E(2) is repealed.

Sec. 6. G.S. 163-278.9(a)(3) is rewritten to read:

"(3) Postprimary Report(s). The treasurer shall file a report with the Board no later than the tenth day after the primary election if the candidate was eliminated in the primary. If there is a second primary, the treasurer shall file a report with the Board no later than the tenth day after the second primary election if the candidate was eliminated in the second primary."

Sec. 6.1. G.S. 163-278.9(c) is repealed.

Sec. 6.2. G.S. 163-278.9(a)(6) is amended by inserting a comma after the phrase "calendar year".

Sec. 7. This act shall become effective with respect to elections held on or after January 1, 1986.

In the General Assembly read three times and ratified, this the 9th day of May, 1985.

H.B. 366 **CHAPTER 165**

AN ACT TO ABOLISH THE OFFICE OF CORONER IN GREENE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The office of Coroner in Greene County is abolished.

Sec. 2. Chapter 152 of the General Statutes is not applicable in Greene County.

Sec. 3. This act shall become effective upon the expiration of the term of the current coroner in Greene County.

In the General Assembly read three times and ratified, this the 9th day of May, 1985.

H.B. 804 **CHAPTER 166**

AN ACT TO ESTABLISH THE BOUNDARY BETWEEN THE ALAMANCE COUNTY AND BURLINGTON CITY SCHOOL ADMINISTRATIVE UNITS.

The General Assembly of North Carolina enacts:

Section 1. The boundary lines of the Burlington City School Administrative Unit shall embrace all territory within the existing

municipal corporate boundaries of the City of Burlington on the effective date of this act.

Sec. 2. The boundaries of the Burlington City School Administrative Unit shall not hereafter be extended to include additional territory outside the corporate boundaries of the City of Burlington.

Sec. 3. No sooner than nine months and no later than one year after the effective date of any annexation of additional territory to the municipal corporate boundaries of the City of Burlington, the Alamance County Board of Elections shall conduct an election by the duly qualified voters entitled to vote in a general election residing in the newly annexed territory of the City of Burlington to determine whether such territory shall remain as part of the Alamance County School Administrative Unit, or become a part of the Burlington City School Administrative Unit, and the majority of those voting in such election shall determine which administrative unit such territory shall be a part of, effective on the first day of July next following certification of the results of such election. In case the number of votes shall be equally divided, the territory shall remain in the Alamance County School Administrative Unit.

Sec. 4. Chapter 642, Session Laws of 1979, is repealed.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1985.

S.B. 60 **CHAPTER 167**

AN ACT TO AMEND THE STATUTES RELATING TO DISCIPLINE AND DISBARMENT OF ATTORNEYS AT LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 84-28(h) is hereby amended by deleting the last sentence of this section which reads:

"Any discipline imposed by such final order shall be stayed pending determination of the appeal." and substituting "During the period from the ratification of this act to October 1, 1987, a final order which imposes disbarment or suspension for eighteen months or more shall not be stayed except upon application, under the rules of the Court of Appeals, for a writ of supersedeas. A final order imposing suspension for less than eighteen months or any other discipline except disbarment shall be stayed pending determination of the appeal."

Sec. 2. This act is effective upon ratification and shall apply only to those offenses or proceedings initiated on or after the date of ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1985.

S.B. 222 **CHAPTER 168**

AN ACT TO REPEAL THE CERTIFICATION REQUIREMENT FOR LABORATORIES PERFORMING SYPHILIS SEROLOGIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-164 is repealed.

Sec. 2. G.S. 130A-165 is rewritten to read as follows:

"Every pregnant woman shall have a blood sample taken during pregnancy in order for a serological test for syphilis to be performed. The physician attending a pregnant woman shall ensure that the required blood sample is taken and submitted to a laboratory for analysis."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1985.

S.B. 245 **CHAPTER 169**

AN ACT CONCERNING DUTIES OF THE DURHAM CITY INSPECTION DEPARTMENT.

The General Assembly of North Carolina enacts:

Section 1. Section 8 of the Durham City Charter, being Chapter 671, Session Laws of 1975, is hereby amended by changing the period which follows the word "Charter" at the end of the first paragraph to a colon and by adding the following after the colon:

"By way of example and not limitation, the City Council, in performing the duties and responsibilities set forth in G.S. 160A-412, may assign all or part of the duties of an inspection department to an existing or newly created department, division or office of the City, may assign all or some of the personnel appointed pursuant to G.S. 160A-411 to an existing or newly created department, division or office of the City and may designate the job titles and duties of the personnel so assigned."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1985.

S.B. 352 **CHAPTER 170**

AN ACT TO EXPAND THE CATAWBA COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 874, Session Laws of 1969, is amended by deleting "five members", and substituting "seven members".

Sec. 2. The first two sentences of Section 2 of Chapter 874, Session Laws of 1969, are rewritten to read:

"In the general election in 1986, there shall be elected four members of the Board of Education of Catawba County. In the general election in 1988,

there shall be elected three members of the Board of Education of Catawba County."

Sec. 3. This act shall not affect the terms of office of persons elected to the Catawba County Board of Education for terms to expire in 1986 or 1988.

Sec. 4. Section 1 of this act shall become effective on the first Monday in December 1986. Sections 2 and 3 of this act shall become effective beginning with the 1986 primary and election.

In the General Assembly read three times and ratified, this the 10th day of May, 1985.

H.B. 477 **CHAPTER 171**

AN ACT TO REPEAL THE PERMISSION FOR PERSONS TO ENGAGE IN BUSINESS AS PAWNBROKERS IN THE UNINCORPORATED AREAS OF DARE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 968 of the 1983 Session Laws is repealed.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1985.

H.B. 605 **CHAPTER 172**

AN ACT TO MAKE CHANGES IN THE SCHEDULING OF CERTAIN CONTROLLED SUBSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-89(a) is amended by adding new sub-subdivisions in the proper alphabetical order to read:

"1a. Alfentanil.

"5a. Alpha-methylfentanyl (N-(1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl) propionalilide; 1 (1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).

"43a. Tilidine."

Sec. 2. G.S. 90-89(c) is amended by adding a new sub-subdivision to read:

"22. Parahexyl."

Sec. 3. G.S. 90-89 is amended by adding a new subsection to read:

"(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

"1. Fenethylline."

Sec. 4. G.S. 90-90(b) is amended by adding a new sub-subdivision to read:

"22. Sufentanil."

Sec. 5. G.S. 90-90(c) is amended by adding a new sub-subdivision to read:

"5. Phenylacetone. Some trade or other names: Phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone."

Sec. 6. G.S. 90-92(a) is amended by adding new sub-subdivisions in the proper alphabetical order to read:

"01. Alprazolam.

"11a. Halazepam.

"22. Temazepam.

"23. Triazolam."

Sec. 7. G.S. 90-92(d) is amended by adding a new sub-subdivision in the proper alphabetical order to read:

"1a. Mazindol."

Sec. 8. G.S. 90-92(e) is amended by adding new sub-subdivisions to read:

"2. Pipradrol.

"3. SPA ((-)-1-dimethylamino-1, 2-diphenylethane)."

Sec. 9. G.S. 90-93(a) is amended by deleting the following sub-subdivision:

"2. Loperamide."

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1985.

H.B. 72 CHAPTER 173

AN ACT TO CLARIFY THAT THE LEGISLATIVE REVIEW OF PROPOSALS TO LICENSE NEW OCCUPATIONS AND PROFESSIONS INCLUDES COMMISSIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-141(3) is rewritten to read:

"(3) 'Licensing plan' means (a) a board, commission or other body established to regulate the eligibility of a person to engage in an occupation or profession or (b) the proposed licensing of an occupation or profession by an existing licensing body."

Sec. 2. G.S. 120-141 is amended by deleting the word "Chapter" and substituting the word "Article".

Sec. 3. Article 18 of Chapter 120 of the General Statutes is amended as follows:

(1) by deleting the words "licensing boards" whenever they appear and substituting the words "licensing plans";

(2) by deleting the words "licensing board" whenever they appear and substituting the words "licensing plan";

(3) by deleting the words "occupational licensing board" whenever they appear and substituting the words "licensing plan";

(4) by deleting the words "occupational licensing boards" whenever they appear and substituting the words "licensing plans";

(5) by deleting the words "an occupational or professional licensing board" whenever they appear and substituting the words "a licensing plan";

(6) by deleting the words "occupational and professional boards" whenever they appear and substituting the words "licensing plans";

(7) by deleting the words "occupational and professional licensing board" whenever they appear and substituting the words "licensing plan"; and

(8) by deleting the words "Legislative Committee on New Occupational and Professional Licensing Boards" whenever they appear and substituting the words "Legislative Committee on New Licensing Plans".

Sec. 4. G.S. 120-143(a) is amended by deleting the period after the first sentence and adding the following:

"; provided, however, that the Committee, when evaluating the proposed licensing of an occupation or profession by an existing licensing body, shall evaluate only the occupation or profession to be licensed and shall not assess the need for the licensing of any other occupation or profession already regulated by the same licensing body."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1985.

S.B. 149 **CHAPTER 174**

AN ACT TO ALLOW A PERSONAL INCOME TAX EXEMPTION FOR CERTAIN TYPES OF SPINA BIFIDA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-149(a) is amended by adding a new subdivision to read:

"(8f) In the case of an individual who has an open neural tube defect or whose dependent has an open neural tube defect, an additional exemption of one thousand one hundred dollars ($1,100) for that individual or dependent. This exemption is in addition to all other exemptions allowed by this subsection. To claim this exemption, a taxpayer must submit to the Division of Health Services of the Department of Human Resources a certificate from a physician or local health department certifying that the individual or dependent for whom the exemption is claimed has an open neural tube defect. Upon receipt of a valid certificate, the Division will send the taxpayer a verification form which the taxpayer must attach to the tax return on which the exemption is claimed. The Division shall devlop the certificate and verification form and shall inform physicians and local health departments of the availability of the certificate."

Sec. 2. This act is effective for taxable years beginning on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 13th day of May, 1985.

S.B. 203 **CHAPTER 175**

AN ACT TO AUTHORIZE LOCAL HEALTH DIRECTORS TO ENTER CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-39(g) is amended by deleting the first sentence.

Sec. 2. G.S. 130A-41(b) is amended in subdivision (11) by deleting the word "and" after the semicolon; and is further amended in subdivision (12) by changing the period to a semicolon; and is further amended by adding a new subdivision (13) to read as follows:

"(13) To enter contracts, in accordance with The Local Government Finance Act, G.S. Chapter 159, on behalf of the local health department. Nothing in this paragraph shall be construed to abrogate the authority of the board of county commissioners."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1985.

S.B. 315 **CHAPTER 176**

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWN OF LANDIS AND THE CITY OF KANNAPOLIS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Chapter 191, Session Laws of 1983, or any other provision of law, the following described territory shall be part of the Town of Landis and is not within the corporate limits of the City of Kannapolis.

Lying and being in China Grove Township, Rowan County, North Carolina, and being a part of the CITY of KANNAPOLIS adjoining the TOWN of LANDIS, and being more particularly described as follows:

Beginning at a railroad spike in the centerline intersection of Airport Road and Highland Avenue and runs thence with the centerline of Highland Avenue N. 3-15-29E. 113.17′ to a railroad spike; thence N.85-57-25 W. (passing an iron stake on line at 14.62′) for a total distance of 171.73′ to a new iron stake in the property line of Gary M. Moss and Pauline B. Wallace (said iron stake being 200′, measured perpendicularly from the centerline of Airport Road); thence with the boundary of the CITY of KANNAPOLIS three calls as follows: N.52-14-48 E. 208.18′ crossing the property of Gary M. Moss to a point in the eastern most boundary of Gary M. Moss and within the right of way of Highland Avenue; thence crossing Highland Avenue N.61-08 E. 309.53′ to a point within the property of Charles L. Grimes (tax map 157 parcel 110), said point being 200′ due west of the centerline of U.S. Highway 29-A; thence due East 52.49′ to a new iron stake in the property line of Charles L. Grimes and Georgia Mae Woodie; thence with line of Grimes and Woodie S.3-42-45 W. 55.48′ to an old iron stake, a corner of Grimes and Woodie; thence with line of Grimes and Woodie N.87-34-02 W. 99.79′ to an old iron stake in the line of Grimes, a corner of Clyde S. McCorkle and Georgia Mae Woodie; thence with lines

of Georgia Mae Woodie, Clyde S. McCorkle, and Lola D. Beaver extended S.1-52-30 E. (passing an old iron stake on line at 178.22') for a total distance of 200.17' to a railroad spike in the center of Airport Road; thence with center of Airport Road three calls as follows: S.61-08-00W. 56.77' to a point; thence S.57-33-08 W. 93.67' to a point; thence S.53-08-05W. 122,24' to a railroad spike, the point and place of beginning.

This area contained 1.567 acres as surveyed by Mel G. Thompson, R.L.S. on April 02, 1985.

Sec. 2. This act shall become effective from and after December 11, 1984.

In the General Assembly read three times and ratified, this the 13th day of May, 1985.

S.B. 316 **CHAPTER 177**

AN ACT TO CLARIFY THE LAW RELATING TO ACQUISITION BY THE CITY OF MONROE OF STREET RIGHT-OF-WAY OUTSIDE THE CORPORATE LIMITS.

Whereas, G.S. 40A-3(b)(1), enacted in 1981 allows cities to acquire property both inside and outside the corporate limits for street and sidewalk construction; and

Whereas, G.S. 160A-296(a)(3), enacted in 1971 authorizes cities to acquire land for street and sidewalk construction only within the city; and

Whereas, G.S. 160A-240.1, enacted in 1981 authorizes cities to acquire property for use of the city, but makes no distinction as to the location of the property; and

Whereas, G.S. 159-48(d)(5), enacted in 1971 authorizes cities to issue bonds for streets, without distinction as to the location of the property; and

Whereas, G.S. 136-66.3, enacted in 1959 authorizes a city and the Department of Transportation to reach agreement on right-of-way acquisition for streets in and around the municipality; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-240.1 is designated as G.S. 160A-240.1(a) and the following subsection is added:

"(b) A city may acquire by purchase or eminent domain the fee or any lesser interest in real property, which is located outside the corporate limits of the city, for use under G.S. 160A-296(a)(3) only if the street for which right-of-way is to be acquired is in a comprehensive plan adopted under G.S. 136-66.2, and for which an agreement for right-of-way acquisition has been reached under G.S. 136-66.3."

Sec. 2. G.S. 40A-3(b) is amended by adding the following new paragraph at the end:

"Acquisition of property outside the corporate limits by purchase or condemnation under subdivision (1) of this subsection may be exercised only as provided by G.S. 160A-240.1(b)."

Sec. 3. G.S. 160A-296 is amended by adding the following new subsection:

"(c) A city may acquire property outside its corporate limits by purchase or eminent domain under subdivision (a)(3) of this section only as provided by G.S. 160A-240.1(b)."

Sec. 4. This act applies to the City of Monroe only.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1985.

H.B. 335 CHAPTER 178

AN ACT TO PROHIBIT TRAPPING AT CERTAIN TIMES IN DARE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to take by trapping any game or furbearing animal between March 1 and either January 2 or the last day of deer hunting season, whichever is later.

Sec. 2. Violation of this act is a misdemeanor punishable for a first conviction by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) or imprisonment not to exceed 30 days, and punishable for a second or subsequent conviction within three years by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), imprisonment not to exceed 90 days, or both.

Sec. 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Sec. 4. This act applies only to Dare County.

In the General Assembly read three times and ratified, this the 13th day of May, 1985.

H.B. 600 CHAPTER 179

AN ACT TO PROVIDE FOR THE TAKING OF FOXES IN ROCKINGHAM COUNTY DURING SHORT OPEN SEASON.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, there is an open season for taking foxes with weapons from December 1 through January 1 of each year.

Sec. 2. Notwithstanding any other provision of law, there is an open season for taking foxes by trapping from January 2 through January 31 of each year. During this season, all leghold traps set on dry land with solid anchor shall have at least three swivels in the trap chain and no leghold traps larger than size one and one-half may be used.

Sec. 3. A season bag limit of 30 applies in the aggregate to all foxes taken during the weapons and trapping seasons established in this act.

Sec. 4. The Wildlife Resources Commission shall provide for the sale of foxes taken lawfully pursuant to this act.

Sec. 5. This act shall apply only to Rockingham County.

Sec. 6. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 13th day of May, 1985.

H.B. 393 **CHAPTER 180**

AN ACT TO PERMIT THE TAKING OF FOXES IN AVERY COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, there is an open season for taking foxes with weapons from December 1 through February 1 of each year.

Sec. 2. A season bag limit of 30 applies to all foxes taken during the weapons season established in this act.

Sec. 3. The Wildlife Resources Commission shall provide for the sale of foxes taken lawfully pursuant to this act.

Sec. 4. This act shall apply only to Avery County.

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 14th day of May, 1985.

H.B. 598 **CHAPTER 181**

AN ACT TO PROVIDE FOR THE USE OF ALL PROPERTY TAX COLLECTION METHODS IN THE COLLECTION OF SPECIAL ASSESSMENTS IN THE TOWN OF MAYODAN.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 91, Session Laws of 1985 is amended by deleting "Town of Madison", the first time those words appear, and substituting "Towns of Madison or Mayodan", and is further amended by adding the following immediately after the word "Madison" the second time that word appears, "or Article X of the Charter of the Town of Mayodan".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1985.

S.B. 233 **CHAPTER 182**

AN ACT TO AMEND CHAPTER 136 OF THE GENERAL STATUTES TO PROVIDE FOR SERVICE UPON THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 136-111 is amended by deleting the words "Secretary of Transportation" and substituting: "Department of Transportation as provided by G.S. 1A-1, Rule 4(j)(4)".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1985.

H.B. 495 **CHAPTER 183**

AN ACT TO REPEAL THE LIMITATION ON MEDIA EXPENSES IN CERTAIN STATEWIDE RACES, WHICH HAS BEEN DECLARED UNCONSTITUTIONAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.17(a) is repealed.

Sec. 2. G.S. 163-278.17(c) is repealed.

Sec. 3. The last sentence of G.S. 163-278.24 is repealed.

Sec. 4. G.S. 163-278.31 is repealed.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1985.

S.B. 146 **CHAPTER 184**

AN ACT TO INCREASE THE CONFEDERATE WIDOWS' PENSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 112-18 is amended by deleting the phrase "To the widows of ex-Confederate soldiers who are blind in both eyes or totally helpless, nine hundred dollars ($900.00).", and by substituting the phrase "To the widows of ex-Confederate soldiers, who are blind in both eyes or totally helpless, eighteen hundred dollars ($1800)."

Sec. 2. This act is effective upon ratification, but remains effective after June 30, 1985, only if funds are appropriated for such purpose as contained in this act.

In the General Assembly read three times and ratified, this the 16th day of May, 1985.

S.B. 189 **CHAPTER 185**

AN ACT TO AMEND CHAPTER 926, 1947 SESSION LAWS AS AMENDED, RELATING TO THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 926, 1947 Session Laws as amended by Section 1 of Chapter 387, 1951 Session Laws, is further amended by rewriting the first sentence to read:

"All uniformed members of the Charlotte Fire Department shall become members of the Retirement System upon its adoption, and in addition, all uniformed members coming into the department thereafter shall become members."

Sec. 2. Section 4 of Chapter 926, 1947 Session Laws as amended by Section 1 of Chapter 381, 1979 Session Laws, is further amended in the first sentence by inserting after the phrase "City Manager or some other city department head or employee, as designated by the City Manager," the phrase:

"(b) City Finance Director and a Deputy Finance Officer as designated by the City Finance Director, or two Deputy Finance Officers as designated by the City Finance Director,"; and is further amended in the first sentence by redesignating the list accordingly.

Sec. 3. Section 6(a)(3) of Chapter 926, 1947 Session Laws as amended by Section 4 of Chapter 860, 1971 Session Laws, is further amended by rewriting the first sentence to read:

"(3) Normal service retirement. Normal service retirement means the earlier of the completion of thirty (30) years of service or the attainment of age 65."

Sec. 4. Section 6(a)(3)(a) of Chapter 926, 1947 Session Laws as amended by Section 4 of Chapter 860, 1971 Session Laws, is further amended by deleting the first sentence in Section 6(a)(3)(a) and substituting the following:

"Normal service retirement income. A member retired under the normal service retirement provisions shall receive a monthly income equal to two percent (2%) of his Final Average Salary multiplied by the number of years of service up to a maximum to twenty-five years."

Sec. 5. Section 6 of Chapter 926, 1947 Session Laws as amended by Section 4 of Chapter 860, 1971 Session Laws, is further amended by adding a new subsection (e) to read:

"(e) Purchase of credit for military service. Members who have completed ten or more years of service may purchase credit for active military service in the Armed Forces of the United States prior to entering employment with the Charlotte Fire Department. The amount necessary to purchase this credit shall be computed by a qualified actuary and shall be based upon the compensation the member earned when he first entered membership of the System and both the member and City contribution rates at that time accumulated with interest compounded at five percent (5%) per annum until the date the credit is purchased."

Sec. 6. All laws and clauses of laws in conflict with this act are repealed.

Sec. 7. This act shall apply to the City of Charlotte only.

Sec. 8. None of the provisions of this act create a liability for the Charlotte Firemen's Retirement System unless sufficient current assets are available in the fund to pay fully for the liability.

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1985.

S.B. 262 **CHAPTER 186**

AN ACT TO AMEND G.S. 118-7 AS THAT STATUTE APPLIES TO THE CITY OF ASHEBORO TO ESTABLISH SUPPLEMENTAL RETIREMENT BENEFITS FOR ASHEBORO'S FIREMEN.

The General Assembly of North Carolina enacts:

Section 1. Asheboro Firemen's Supplemental Retirement Fund Established. There is established a Supplemental Retirement Fund for the Firemen of the City of Asheboro to be known as the "Asheboro Firemen's

Supplemental Retirement Fund," to be administered by a board composed of the members of the trustees of the Asheboro Firemen's Relief Fund established in accordance with G.S. 118-6.

Sec. 2. Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Asheboro Firemen's Relief Fund shall, immediately following January 1 in each calendar year, calculate any earnings upon investment of the Asheboro Firemen's Relief Fund received during the preceding year. The amount so calculated may be disbursed as supplemental retirement benefits in accordance with subsections a., b. and c. below, and earnings not disbursed in the year following the year in which earned shall remain available for disbursement in subsequent years, in the discretion of the Board of Trustees.

a. Each retired fireman of the City, whether volunteer or paid, who has previously retired with 20 years service, or more, as a fireman of the City of Asheboro and has reached the age of 55 years, shall be entitled to and shall receive in each calendar year following the calendar year in which he retires the following supplemental retirement benefits: One share for each full year of service as a fireman of the City of Asheboro, provided, in no event shall any retired fireman be entitled to or receive in any year an annual supplemental retirement benefit in excess of nine hundred dollars ($900.00). The funds calculated and allocated for disbursement shall be divided into equal shares as soon as practical after January 1 of each year, but in no event later than July 1.

b. Any former fireman of the City with five or more years service as a fireman of the City of Asheboro who is not otherwise entitled to supplemental retirement benefits under subsection a., shall nevertheless be entitled to the benefits in any calendar year in which the Board of Trustees makes the following written findings of fact: (i) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; (ii) that, within 30 days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at this time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and (iii) that he remains unable by reason of sickness or injury, to perform the normal duties of an active fireman.

c. If, for any reason, the Fund is insufficient to pay in full any pension benefits, or other charges, then all benefits shall be reduced pro rata, for as long as the deficiency in amount exists. No claim shall accrue with respect to any amount by which a benefit payment has been reduced.

Sec. 3. Supplemental retirement benefits payable under the provisions of Section 2 of this act for calendar year 1984 shall be disbursed within 30 days following the ratification of this act.

Sec. 4. None of the provisions of this act shall create a liability for the Asheboro Firemen's Relief Fund unless there are sufficient current assets available in the Fund to pay fully for the liability.

Sec. 5. This act shall apply only to the City of Asheboro.

Sec. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1985.

S.B. 348 **CHAPTER 187**

AN ACT TO CONSIDER THE EFFECTS OF UNENCUMBERED ACTUARIAL GAINS UPON EMPLOYER OR STATE CONTRIBUTIONS TO AND UNFUNDED ACCRUED LIABILITIES OF RETIREMENT AND PENSION PLANS ADMINISTERED BY THE STATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-111.3 is amended by adding a paragraph to read:

"Whenever a bill is considered by the Committee on Pensions and Retirement that proposes changes in the benefits of any State-administered retirement or pension plan to be financed by unencumbered actuarial experience gains generated either through a change in actuarial assumptions adopted by the plan for the previous budget year or through a continuation of the actuarial assumptions adopted by the plan for the previous budget year, the Committee shall give equal consideration to the effects that such unencumbered actuarial gains would have upon annual employer or State contributions to the plan and to the amount by which the plan's unfunded accrued liabilities, if any, might be reduced. If such unencumbered actuarial experience gains could be used to modify annual employer or State contributions to the plan resulting in a corresponding effect upon State appropriations, the Committee on Pensions and Retirement shall, upon a favorable report, refer the bill to the Committee on Appropriations of the same house before the bill is considered by that house."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1985.

S.B. 358 **CHAPTER 188**

AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WILLIAMSTON.

The General Assembly of North Carolina enacts:

Section 1. Supplemental Retirement Fund created. The Board of Trustees of the Local Firemen's Relief Fund of the City of Williamston, as established in accordance with G.S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a fund to be called the Williamston Firemen's Supplemental Retirement Fund, and shall maintain books of account for such fund, separate from the books of account of the Local Firemen's Relief Fund. The Board of Trustees shall pay into The Supplemental Retirement Fund, the funds as prescribed by this act.

Sec. 2. Transfer of Funds and Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Williamston shall:

(a) As soon as practicable after July 1, 1985, and in each subsequent year, transfer to the Supplemental Retirement Fund all of the earnings and or interest generated by the Local Firemen's Relief Fund, in the preceding 12-month period.

(b) As soon as practicable thereafter, but in no event later than December 1, the Board of Trustees shall divide the funds provided in the Supplemental Retirement Fund into equal shares. The amount of each share shall be determined by dividing the total number of years served by all eligible retired firemen into the total amount set aside by the Board of Trustees to be disbursed for that 12-month period. The Board of Trustees shall then disburse the same as supplemental retirement benefits in accordance with Section 3 of this act.

Sec. 3. Supplemental Retirement Benefits. Each retired fireman of the City of Williamston who has retired with 20 years service or more as a fireman and has attained the age of 55 years, or any fireman of the City of Williamston who for any reason has become totally and permanently disabled and has served as a fireman of the City of Williamston for a period of five or more years, is entitled to and shall receive in each calendar year following the calendar year in which he retires, one share for each full year of service as a fireman of the City of Williamston. In no event, however, shall any fireman be entitled to or receive in any calendar year a benefit in excess of one thousand two hundred dollars ($1,200).

Sec. 4. Investment of Funds. The Board of Trustees may invest any funds, either of the Local Firemen's Relief Fund or of the Supplemental Retirement Fund, in any investment named in or authorized by either G.S. 159-30 or G.S. 159-31 and shall invest all of the surplus funds belonging to the Supplemental Retirement Fund in one or more such investments; provided, that investment in certificates of deposit or time deposit in any bank or trust company, or in shares of any savings and loan association, shall not exceed the amount insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as the case may be, unless such deposits or investments in shares are secured in the manner provided by G.S. 159-30 or G.S. 159-31.

Sec. 5. Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, request, or donation of money for the use of the Supplemental Retirement Fund.

Sec. 6. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen's Relief Fund and the Supplemental Retirement Fund, in an amount at least equal to the amount of funds in his trust, said bond being payable to the Board of Trustees, such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees may pay the premiums of such bond from the Supplemental Retirement Fund.

Sec. 7. City Authorized to Make Payments. The governing body of the City of Williamston is hereby authorized and may at its discretion, make appropriations and disburse funds to the supplemental retirement fund.

Sec. 8. None of the provisions of this act shall create a liability for the Williamston Firemen's Supplemental Retirement Fund unless sufficient current assets are available in the Fund to pay fully for the liability.

Sec. 9. Severability. If any provision of this act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provisions, and to this end the provisions of this act are declared severable.

Sec. 10. Repealer. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1985.

S.B. 389 **CHAPTER 189**

AN ACT TO MODIFY THE RETIREMENT ACTUARIAL NOTE REQUIREMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-114(c) is amended by adding a sentence to read: "The provisions of this subsection may be waived for any local government retirement or pension plans not administered by the State."

Sec. 2. This act is effective retroactively to August 1, 1977.

In the General Assembly read three times and ratified, this the 16th day of May, 1985.

H.B. 475 **CHAPTER 190**

AN ACT TO INCLUDE OPTOMETRISTS, VETERINARIANS, AND NURSES IN THE EXEMPTION FROM THE CONFLICT OF INTEREST PROVISIONS GOVERNING MEMBERSHIP ON CERTAIN LOCAL BOARDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-234(d1) (v) is amended by deleting the phrase "or dentist" and substituting the phrase "dentist, optometrist, veterinarian, or nurse".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1985.

H.B. 577 **CHAPTER 191**

AN ACT TO PERMIT PERSONS LESS THAN SIXTEEN TO TAKE NONCREDIT COURSES IN THE COMMUNITY COLLEGE SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-20(4) is amended by adding at the end the following language:

"Provided, further, that during the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1985.

H.B. 1129 **CHAPTER 192**

AN ACT TO MODIFY THE BENEFITS PROVIDED UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

The General Assembly of North Carolina enacts:

Section 1. Effective July 1, 1985, G.S. 135-40.4 is amended by deleting "95%/5%", and substituting "90%/10%".

Sec. 2. Effective July 1, 1985, G.S. 135-40.6 is amended by deleting "ninety-five percent (95%) by the Plan and five percent (5%) by the covered individual up to a maximum of one hundred dollars ($100.00) out-of-pocket", and substituting "ninety percent (90%) by the Plan and ten percent (10%) by the covered individual up to a maximum of three hundred dollars ($300.00) out-of-pocket".

Sec. 3. Effective July 1, 1985, G.S. 135-40.6(2)b. is amended by deleting "ninety-five percent (95%)", and substituting "ninety percent (90%)".

Sec. 4. Effective July 1, 1985, G.S. 135-40.8(a) is amended by deleting "ninety-five percent (95%)", and substituting "ninety percent (90%)", by deleting "five percent (5%)", and substituting "ten percent (10%)", and by deleting "one hundred dollars ($100.00)", and substituting "three hundred dollars ($300.00)".

Sec. 5. Effective with respect to accidental injury occurring on or after July 1, 1985, G.S. 135-40.5(a) is repealed.

Sec. 6. Effective with respect to accidental injury occurring on or after July 1, 1985, the last sentence of G.S. 135-40.6(4)a. is repealed.

Sec. 6.1. Effective with respect to accidental injury occurring on or after July 1, 1985, G.S. 135-40.6(4)b. is amended by deleting "nonaccident".

Sec. 7. Effective July 1, 1985, the second paragraph of G.S. 135-40.1(2) is repealed.

Sec. 8. Effective July 1, 1985, G.S. 135-40.8(b) is amended by deleting "twenty percent (20%)", and substituting "fifty percent (50%)".

Sec. 9. Effective July 1, 1985, G.S. 135-40.5(b) is amended by adding immediately before the period at the end of the first sentence the words "if that surgery is not normally performed on an outpatient basis".

Sec. 10. Effective July 1, 1985, G.S. 135-40.8 is amended by adding a new subsection to read:

"(c) Notwithstanding any other provision of this Article, on the first day of each confinement the Plan does not pay the first seventy-five dollars ($75.00) of the room accommodation charge allowable under G.S.

135-40.6(1). Any readmission within 60 days after discharge for the same reason shall be considered the same confinement for the purpose of this subsection. The exclusion made under this subsection shall not count toward the deductible nor toward the maximum amount of out-of-pocket costs."

Sec. 11. Effective January 1, 1986, G.S. 135-40.6(2) is amended by adding a new subparagraph to read:

"f. Prior to admission for scheduled inpatient hospitalization and following admission for unscheduled inpatient hospitalization, the admitting physician shall contact the Plan and secure approval certification for an inpatient admission, including a length of stay, based upon clinical criteria established by the medical community, before any in-hospital benefits are allowed under G.S. 135-40.8(a). Failure to secure certification, or denial of certification, shall result in in-hospital benefits being allowed at the rate and maximum amount of out-of-pocket expenses established by G.S. 135-40.8(b). Denial of certification by the Plan shall be made only after contact with the admitting physician and shall be subject to appeal to the Board of Trustees."

Sec. 12. Effective July 1, 1985, G.S. 135-40.5(d) is amended by adding a new sentence at the end to read:

"As used in this section and the provisions of G.S. 135-40.8(b), second surgical opinions shall be required for the following procedures otherwise covered by the Plan: transurethral resection of the prostate, hemorrhoidectomy, hysterectomy, tonsillectomy and adenoidectomy, cholecystectomy, mastectomy and mammoplasty, surgery on the spinal column and/or nerves, revision of the nasal structure, coronary artery bypass surgery, thyroid surgery, and surgery on the knee."

Sec. 13. Effective July 1, 1985, G.S. 135-40.4 is amended by adding the following new paragraph at the end to read:

"Notwithstanding the provisions of this Article, the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan may begin the process of negotiating prospective rates of charges that are to be allowed under the Plan with preferred providers of institutional and professional medical care and services. The Board of Trustees shall, under the provisions of G.S. 135-39.5(12), pursue such preferred provider contracts on a timely basis and shall make monthly reports to the President of the Senate, the Speaker of the House of Representatives, and the Committee on Employee Hospital and Medical Benefits on its progress in negotiating such prospective rates for allowable charges."

Sec. 14. Effective July 1, 1986, G.S. 135-40.4 is amended by deleting "one hundred dollar ($100.00) deductible", and substituting "one hundred fifty dollar ($150.00) deductible", and by deleting "three hundred dollars ($300.00) per family", and substituting "four hundred fifty dollars ($450.00) per family".

Sec. 15. Effective July 1, 1986, G.S. 135-40.6 is amended by deleting "one hundred dollars ($100.00) per covered individual to an aggregate maximum of three hundred dollars ($300.00) per family", and substituting, "one hundred fifty dollars ($150.00) per covered individual to an aggregate maximum of four hundred fifty dollars ($450.00) per family".

Sec. 16. Effective July 1, 1986, G.S. 135-40.8(a) is amended by deleting, "one hundred dollars ($100.00)", and substituting "one hundred fifty dollars ($150.00)".

Sec. 16.1. Effective July 1, 1986, the first paragraph of G.S. 135-40.1(2) is amended by deleting "one hundred dollars ($100.00)", and substituting "one hundred fifty dollars ($150.00)".

Sec. 16.2. Effective July 1, 1986, the next to last paragraph of G.S. 135-40.1(2) is amended by deleting "three hundred dollars ($300.00)", and substituting "four hundred fifty dollars ($450.00)".

Sec. 17. Effective July 1, 1985, G.S. 135-40.6 is amended by deleting "per calendar year", the first time those words appear and substituting "per fiscal year".

Sec. 18. Effective July 1, 1985, G.S. 135-40.8(a) is amended by deleting "calendar year", and substituting "fiscal year".

Sec. 19. In administering G.S. 135-40.6 and G.S. 135-40.8 for calendar year 1985, where those sections prior to the enactment of Sections 17 and 18 of this act provided for deductibles and maximum out-of-pocket expenses on a calendar year basis, the period January 1 through June 30 of 1985 shall be considered a calendar year.

Sec. 20. Except as provided otherwise, this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1985.

S.B. 247 **CHAPTER 193**

AN ACT TO ALLOW ROWAN COUNTY TO ESTABLISH VOTING PRECINCTS WITHOUT REGARD TO TOWNSHIP BOUNDARIES.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 433, Session Laws of 1981 is amended by adding immediately after the word "Stanly", the word ", Rowan,".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

S.B. 242 **CHAPTER 194**

AN ACT TO REQUIRE CONSENT OF THE CABARRUS COUNTY BOARD OF COMMISSIONERS BEFORE LAND IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 40A of the General Statutes is amended by adding a new section to read:

"§ 40A-40.1. *Condemnation in another county.*—Notwithstanding G.S. 40A-3, or any other general or local law conferring the power of eminent domain, before a complaint may be filed under G.S. 40A-41 by a county, city or town, special district, or other unit of local government which is

located wholly or primarily outside another county whereby the condemnor seeks to acquire property located in the other county, the condemnor shall furnish proof that the county board of commissioners of the county where the land is located has consented to the taking."

Sec. 2. G.S. 40A-41 is amended by adding a new subdivision to read:

"(9) If required by G.S. 40A-40.1, a copy of the resolution of the county board of commissioners consenting to the taking."

Sec. 3. Notwithstanding the provisions of G.S. 153A-158, Chapter 160A of the General Statutes, Article 12 of Chapter 130 of the General Statutes, or any other general law or local act conferring the power to acquire real property, before any county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county acquires any real property located in the other county by exchange, purchase or lease, it must have the approval of the county board of commissioners of the county where the land is located.

Sec. 4. This act applies in Cabarrus County only.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

S.B. 254 **CHAPTER 195**

AN ACT TO ALLOW THE TOWN OF WAKE FOREST TO DISPOSE OF REAL PROPERTY AT PRIVATE SALE FOR THE PURPOSE OF ECONOMIC DEVELOPMENT.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Wake Forest, being Chapter 273, Session Laws of 1973, is amended by adding a new section to read:

"Sec. 1.3. *Property Disposition.* Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Town may dispose of real property at private sale for the purpose of development in the downtown area or a designated redevelopment area."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

S.B. 255 **CHAPTER 196**

AN ACT TO ALLOW THE TOWN OF WAKE FOREST TO EXERCISE EXTRATERRITORIAL PLANNING POWERS UP TO TWO MILES FROM THE CORPORATE LIMITS WITH THE APPROVAL OF THE COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-360(a) is amended by adding the following new sentence immediately after the third sentence: "Notwithstanding the third sentence of this subsection, with the approval of the County Board of Commissioners with jurisdiction over the area, the Town of Wake Forest

may exercise these powers over an area extending not more than two miles beyond its limits."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

H.B. 483 **CHAPTER 197**

AN ACT TO ASSURE COMPLIANCE OF THE NORTH CAROLINA EMPLOYMENT SECURITY LAW WITH FEDERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-4(e) is amended by rewriting it to read as follows:

"(e) Advisory Councils. The Governor shall appoint a State Advisory Council composed of men and women representing employers, employees, and the general public, in equal numbers. The Chairman of the Commission shall be a member of the State Advisory Council and shall serve as its chairman. There shall be 15 members of the Council (other than its chairman) who shall each be appointed for a term of four years. A quorum of the State Advisory Council shall consist of the chairman, or such appointed member as he may designate, plus one half of the total appointed members. The function of the Council shall be to aid the Commission in formulating policies and discussing problems related to the administration of this Chapter. Each member of the State Advisory Council attending meetings of the Council shall be paid the same amount per diem for his services as is provided for the members of other State boards, commissions, and committees who receive compensation for their services, including necessary time spent in traveling to and from his place of residence within the State to the place of meeting while engaged in the discharge of the duties of his office, and his actual mileage and subsistence at the same rate allowed to State officials."

Sec. 2. G.S. 96-6 is amended by adding a new subsection to read:

"(f) Any interest required to be paid on advances under Title XII of the Social Security Act shall be paid in a timely manner and shall not be paid, directly or indirectly, from amounts in the unemployment insurance fund."

Sec. 3. G.S. 96-8(13) is rewritten to read:

"(13)a. 'Wages' shall include commissions, bonuses, any sums paid to an employee by an employer pursuant to an order of any court, the National Labor Relations Board, or any other lawfully constituted adjudicative agency or by private agreement, consent, or arbitration for loss of pay by reason of discharge, and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the Commission; provided, if the remuneration of an individual is not based upon a fixed period or duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week or for any calendar quarter for the purpose of computing an individual's right to unemployment benefits only

shall be determined in such manner as may by authorized regulations be prescribed. The regulations shall, so far as possible, secure results reasonably similar to those that would prevail if the individual were paid his wages at regular intervals. The term 'wages' shall not include the amount of any payment with respect to services to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment), on account of (i) retirement, or (ii) sickness or accident disability, or (iii) medical and hospitalization expenses in connection with sickness or accident disability or (iv) death. However, in the case of payments made to an employee or any of his dependents on account of sickness or accident disability, only payments which are received under a worker's compensation law shall be excluded from the term 'wages'. Furthermore, the term 'wages' shall not include payment by an employer without deduction from the remuneration of the employee of the tax imposed upon an employee under the Federal Insurance Contributions Act.

b. 'Wages' shall not include any payment made to, or on behalf of, an employee or his beneficiary from or to a trust which qualifies under the conditions set forth in Sections 401(a)(1) and (2) of the Internal Revenue Code of 1954, or under or to an annuity plan which at the time of the payment meets the requirements of Sections 401(a)(3), (4), (5) and (6) of the Code and exempt from tax under Section 501(a) of the Code at the time of the payment, unless the payment is made to an employee of the trust as remuneration for services rendered as an employee and not as beneficiary of the trust.

c. For the purposes of this Chapter, the term 'wages' includes the reasonable amount of gratuities, including tips, that an employee receives directly from a customer and reports to the employer and that the employer considers as salary for the purpose of meeting minimum wage requirements. Effective January 1, 1987, and as long as the Federal Unemployment Tax Act, 26 USC 3301 *et seq.*, contains materially identical requirements, the term 'wages' includes tips which are:

(1) received while performing services that constitute employment; and

(2) included in a written statement furnished to the employer pursuant to the requirements of the Internal Revenue Code."

Sec. 4. G.S. 96-13(a)(3) is amended by rewriting the seventh sentence to read:

"Except: (i) Any otherwise qualified unemployed individual who is attending a vocational school or training program which has been approved by the Commission for such individual shall be deemed available for work."

Sec. 5. G.S. 96-13(b)(1), as amended by Chapter 53, 1985 Session Laws, is amended by deleting the last four sentences and substituting the following:

"Except that with respect to services in the educational institutions listed above:

(i) In an instructional, research, or principal administrative capacity, compensation shall not be payable based on such services for any week commencing during the period between two successive academic years or terms, or, when an agreement provides instead for a similar period between two regular but not successive terms, during that period, to any individual if he performs such services in the first of the academic years or terms and if there is a contract or reasonable assurance that the individual will perform services in any such capacity for any educational institution in the second of the academic years or terms; and,

(ii) In any other capacity for an educational institution:

(I) compensation shall be denied on the basis of such services for any week which commences during a period between two successive academic years or terms if the individual performs such services in the first of the academic years or terms and there is a reasonable assurance that the individual will perform such services in the second of the academic years or terms, except that

(II) if compensation is denied to any individual for any week under subclause (I) and the individual was not offered an opportunity to perform such services for the educational institution for the second of the academic years or terms, the individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of subclause (I); and,

(iii) With respect to any services described in clause (i) or (ii), compensation payable on the basis of such services shall be denied to any individual for any week which commences during an established and customary vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following the vacation period or holiday recess; and,

(iv) With respect to any services described in clause (i) or (ii), compensation on the basis of services in any such capacity shall be denied as specified in clauses (i), (ii), and (iii) to any individual who performed such services in an educational institution while in the employ of an educational service agency, and for this purpose the term 'educational service agency' means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions; and,

(v) With respect to any services to which G.S. 96-13(b)(1) applies, if such services are provided to or on behalf of an educational institution, compensation shall be denied under the same circumstances as described in clauses (i) through (iv)."

Sec. 6. G.S. 96-4(g)(1) is amended by deleting the last four sentences of that subsection.

Sec. 7. G.S. 96-4 is amended by adding at the end a new subsection (t) to read:

"(t) Confidentiality of Records, Reports, and Information Obtained from Claimants and Employers.

(I) Confidentiality of Information Contained in Records and Reports. (1) Except as hereinafter otherwise provided, it shall be unlawful for any person to obtain, disclose, or use, or to authorize or permit the use of any

information which is obtained from any employing unit or individual pursuant to the administration of this Chapter. (2) Any claimant or employer or their legal representatives shall be supplied with information from the records of the Employment Security Commission to the extent necessary for the proper presentation of claims or defenses in any proceeding under this Chapter. Notwithstanding any other provision of law, any claimant may be supplied, subject to restrictions as the Commission may by regulation prescribe, with any information contained in his payment record or on his most recent monetary determination, and any individual, as well as any interested employer, may be supplied with information as to the individual's potential benefit rights from claim records. (3) Subject to restrictions as the Commission may by regulation provide, information from the records of the Employment Security Commission may be made available to any agency or public official for any purpose for which disclosure is required by statute or regulation. (4) The Commission may, in its sole discretion, permit the use of information in its possession by public officials in the performance of their public duties.

(II) Job Service Information. (1) Except as hereinafter otherwise provided it is unlawful for any person to disclose any information obtained by the North Carolina State Employment Service Division from workers, employers, applicants, or other persons or groups of persons in the course of administering the State Public Employment Service Program. Provided, however, that if all interested parties waive in writing the right to hold such information confidential, the information may be disclosed and used but only for those purposes that the parties and the Commission have agreed upon in writing. (2) The Employment Service Division shall make public, through the newspapers and any other suitable media, information as to job openings and available applicants for the purpose of supplying the demand for workers and employment. (3) The Labor Market Information Division shall collect, collate, and publish statistical and other information relating to the work under the Commission's jurisdiction; investigate economic developments, and the extent and causes of unemployment and its remedies with the view of preparing for the information of the General Assembly such facts as in the Commission's opinion may make further legislation desirable. (4) Except as provided by Commission regulation, any information published pursuant to this subsection (II) shall not be published in any manner revealing the identity of the applicant or the employing unit.

(III) Penalties for Disclosure or Improper Use. Any person violating any provision of this section may be fined not less than twenty dollars ($20.00) nor more than two hundred dollars ($200.00), or imprisoned for not longer than 90 days, or both.

(IV) Regulations. The Commission may provide by regulation for procedures by which requests for information will be considered and the methods by which such information may be disclosed. The Commission is authorized to provide by regulation for the assessment of fees for securing and copying information released under this section.

(V) Privileged Status of Letters and Reports and Other Information Relating to Administration of this Chapter. All letters, reports,

communication, or any other matters, either oral or written, including any testimony at any hearing, from the employer or employee to each other or to the Commission or any of its agents, representatives, or employees, which letters, reports, or other communication shall have been written, sent, delivered, or made in connection with the requirements of the administration of this Chapter, shall be absolutely privileged communication in any civil or criminal proceedings except proceedings pursuant to or involving the administration of this Chapter.

(VI) Nothing in this subsection (t) shall operate to relieve any claimant or employing unit from disclosing any information required by this Chapter or by regulations promulgated thereunder.

(VII) Nothing in this subsection (t) shall be construed to prevent the Commission from allowing any individual or entity to examine and copy any report, return, or any other written communication made by that individual or entity to the Commission, its agents, or its employees."

Sec. 8. G.S. 96-23 is repealed.

Sec. 9. G.S. 96-15(j) is repealed.

Sec. 10. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

H.B. 505 **CHAPTER 198**

AN ACT TO AMEND THE SCHOOL BUDGET AND FISCAL CONTROL ACT CONCERNING APPROVAL OF EXPENDITURES SOME OR ALL OF WHICH ARE TO BE PAID IN ENSUING FISCAL YEARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-441(a) is amended by adding the words "Except as set forth below," before the words "No obligation" in the first sentence of the subsection; and by substituting the word "section" for the word "subsection" wherever it may appear in that subsection.

Sec. 2. G.S. 115C-441 is amended by adding a new subsection to read:

"(c2) Continuing Contracts for Capital Outlay. An administrative unit may enter into a contract for capital outlay expenditures for public junior high schools, some portion or all of which is to be performed and/or paid in ensuing fiscal years, without the budget resolution including an appropriation for the entire obligation, provided:

(i) the budget resolution includes an appropriation authorizing the current fiscal year's portion of the obligation;

(ii) an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year;

(iii) contracts for capital outlay expenditures are approved by a joint resolution adopted by a majority of the board of county commissioners and a majority of the Burke County public school board of education, which resolution shall provide in detail what monies will be necessary under the contract, when the monies will be due under the contract, what monies are available at the time of adoption of the resolution, what are the sources and time of

availability of additional monies necessary to fulfill the contract, and which resolution when adopted shall bind the board of county commissioners to appropriate sufficient funds in ensuing fiscal years to meet the amounts to be paid under the contract in those years;

(iv) contracts pursuant to this subsection shall not exceed four years in duration;

(v) in addition to signature by the board of education, the contract shall be signed by the county for the express purpose of obligating the full faith and credit of the county to provide funding under the contract."

Sec. 3. G.S. 115C-521(c) is amended by adding the following sentence immediately after the second sentence of that subsection:

"However, this subsection shall not be construed so as to prevent boards of education from investing any money in public junior high school buildings that are being constructed pursuant to a continuing contract of construction as provided for in G.S. 115C-441(c2)."

Sec. 4. This act applies only to Burke County and the Burke County School Administrative Unit.

Sec. 5. Funds required to be expended by Burke County to fulfill its obligations under this act, other than revenue from one percent (1%) local sales and use taxes, shall be reimbursed to the county, with ten percent (10%) interest per annum on the unpaid balance, from subsequent collections of one percent (1%) local sales and use tax revenue.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

H.B. 649 **CHAPTER 199**

AN ACT MAKING IT A GENERAL MISDEMEANOR TO SELL OR GIVE TO A MINOR A SHURIKIN, COMMONLY KNOWN AS A STAR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-315 is amended by inserting between the phrase "dirk," and the word "loaded" the phrase "shurikin,".

Sec. 2. This act shall become effective August 1, 1985, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

H.B. 754 **CHAPTER 200**

AN ACT TO AMEND G.S. 20-7.2(b) RELATING TO COMPLIANCE WITH 90-DAY FAILURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-7.2(b) is amended by rewriting same to read as follows:

"(b) If the offense does not require a revocation of one's license under this Chapter, a party may comply with this section by either paying the costs of court as specified in G.S. 7A-304 and the fine set by the Conference of District Court Judges in person, or by mail to the Clerk of Superior Court. If the offense does require a revocation of one's license under this Chapter, the party must appear to answer the charge and comply with any order entered by the court. The order shall require the payment of court costs. This subsection does not authorize a judge to set aside a conviction for a 90-day failure unless the order to set aside the conviction complies with G.S. 20-24(c)."

Sec. 2. This act shall become effective October 1, 1985, and shall apply to failures to appear occurring on or after that date.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

H.B. 427 **CHAPTER 201**

AN ACT TO EXTEND PARENTAL LIABILITY IN MOTOR VEHICLE CASES TO ADULT CHILDREN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-539.21 is rewritten to read:

"§ 1-539.21. *Abolition of parent-child immunity in motor vehicle cases.*—The relationship of parent and child shall not bar the right of action by a person or his estate against his parent for wrongful death, personal injury, or property damage arising out of operation of a motor vehicle owned or operated by the parent."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

H.B. 476 **CHAPTER 202**

AN ACT TO ABOLISH THE MARINE RESOURCES CENTER ADMINISTRATIVE BOARD, TO REORGANIZE THE MARINE SCIENCE COUNCIL, AND TO ESTABLISH AN OFFICE OF MARINE AFFAIRS.

The General Assembly of North Carolina enacts:

Section 1. Part 8 of Article 9 of Chapter 143B of the General Statutes is rewritten to read:

"Part 8. North Carolina Marine Science Council.

"§ 143B-389. *North Carolina Marine Science Council - creation; purpose; powers and duties.*—(a) There is created the North Carolina Marine Science Council. The Council shall be administered by the Department of Administration.

(b) The Council shall serve as the central ocean and marine policy planning body of the State and shall communicate and cooperate with

federal, State, regional and local bodies and agencies to the end of effecting a coordinated ocean and marine policy.

(c) The Council shall have the following powers and duties:

(1) To encourage the use and study of the ocean, estuarine and coastal waters of the State of North Carolina by citizens and industries of the State;

(2) To encourage education and training in ocean science technology in the State of North Carolina, including extension and continuing education;

(3) To maintain liaison with the corresponding authorities of nearby coastal states;

(4) To develop and maintain a continuing inventory of the ocean and marine resources of the State of North Carolina;

(5) To assist in the coordination of efforts toward full development of the State's ocean and marine resources with proper attention being given to the need for wise utilization;

(6) To coordinate plans for and work with relevant governmental agencies in the implementation of all federal, State and local legislation relating to ocean and marine resources;

(7) To examine all research, education and management programs relating to ocean and marine resources and to recommend revision when appropriate;

(8) To secure directly from any executive department, agency, subdivision or independent instrumentality of State or local governments, any information it deems necessary to carry out its functions;

(9) To administer the North Carolina Marine Resources Centers as follows:

a. Adopting goals and objectives for the centers and reviewing and revising these goals and objectives periodically;

b. Reviewing and approving requests for use of the center facilities and advising the Secretary of the Department of Administration on the most appropriate utilization consistent with the goals and objectives of the center;

c. Continually reviewing and evaluating the types of projects and programs being carried out in the center facilities and determining if the operation of the facilities is in compliance with the established goals and objectives;

d. Recommending to the Secretary of Administration any policies and procedures needed to assure effective staff performance and proper liaison among center facilities in carrying out the overall purposes of the center programs;

e. Reviewing center budget submissions to the Secretary of the Department of Administration;

f. Recruiting and recommending to the Secretary of the Department of Administration, candidates for the positions of directors of the three centers;

g. Creating local advisory committees to assist each center in its efforts to establish projects and programs and to assure adequate citizen-consumer input into those efforts. Members of

the committees shall be appointed by the Secretary of Administration for four-year terms from nominations made by the Director of the Office of Marine Affairs. Each committee shall select one of its members to serve as its chairman. Members of the local advisory committees shall serve without compensation for services or expenses;

(10) To advise the Governor and Secretary of Administration upon any matter the Governor or Secretary may refer to the Council and to advise and make recommendations on ocean and marine policy to the Governor; and

(11) To undertake any other duties assigned to it by the Governor or the Secretary.

"§ 143B-390. *North Carolina Marine Science Council - membership; terms; rules of procedure; meetings; quorum; expenses.*—(a) The Council shall consist of 28 members appointed as follows:

(1) Eighteen members shall be appointed by the Governor from the public and private academic and scientific institutions in the State and from the various industries and professions in the State concerned with the exploration and use of the ocean and marine resources. These members shall serve four-year terms. The terms shall be staggered so that nine terms begin July 1 of each odd-numbered year.

(2) Three at-large members shall be appointed by the Governor. These members shall serve four-year terms. The terms shall be staggered so that one term begins July 1, 1987, and two terms begin July 1, 1989.

(3) Three members shall be the chairpersons of the North Carolina Marine Resources Centers' local advisory committees. These members shall serve during their tenures as chairmen.

(4) One member representing the Department of Commerce in the area of ports and waterways shall be appointed by and serve at the pleasure of the Secretary of the Department of Commerce.

(5) Two members representing the Department of Natural Resources and Community Development in the area of coastal resources and environmental protection shall be appointed by and serve at the pleasure of the Secretary of the Department of Natural Resources and Community Development.

(6) One member representing the Department of Human Resources in the area of health services shall be appointed by and serve at the pleasure of the Secretary of the Department of Human Resources.

(b) Membership on the Marine Science Council shall become vacant automatically if a member ceases to qualify for his or her seat under the terms of subsection (a). In the event of a vacancy arising otherwise than by expiration of term, the Governor shall appoint a successor of like qualifications in accordance with subsection (a) who shall then serve the remainder of his predecessor's term.

(c) The Governor shall designate a member of the Council to serve as chairperson at the pleasure of the Governor.

(d) Membership on the Marine Science Council is an office that may be held concurrently with other elective or appointive offices in addition to the maximum number of offices permitted to be held by one person under G.S. 128-1.1.

(e) The Governor may remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

(f) The Council shall adopt rules of procedure which shall be approved by the Secretary of Administration. The Council shall meet four times per year and at other times with the approval of the Secretary of Administration. Regular attendance at Council meetings is a duty of each member. The Council shall develop procedures for declaring any seat on the Council to be vacant upon failure of a member to perform his duty. A majority of the Council shall constitute a quorum for the transaction of business.

(g) Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5. With the prior approval of the Secretary of the Department of Administration, advisors to the Council may also receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

Sec. 2. Notwithstanding the provisions of G.S. 143B-390, as amended by Section 1 of this act, all members of the North Carolina Marine Science Council on July 1, 1985, shall serve on the Council for the remainder of the terms for which they were appointed. To achieve the staggered terms required by the provisions of G.S. 143B-390(1) and (2), as amended by Section 1 of this act, new members shall be appointed for 1985, 1987, and 1989 as follows:

(1) The five vacancies occurring in 1985 shall be filled with five members meeting the requirements of G.S. 143B-390(1), as amended by Section 1 of this act. These members shall serve for two-year terms.

(2) The nine vacancies occurring in 1987 shall be filled with eight members meeting the requirements of G.S. 143B-390(1), as amended by Section 1 of this act, and one member meeting the requirements of G.S. 143B-390(2), as amended by Section 1 of this act. These members shall serve for two-year terms.

(3) The 12 vacancies occurring in 1989 shall be filled with 10 members meeting the requirements of G.S. 143B-390(1), as amended by Section 1 of this act, and two members meeting the requirements of G.S. 143B-390(2), as amended by Section 1 of this act. All of these members shall serve for four-year terms except that one member meeting the requirements of G.S. 143B-390(1), as amended by Section 1 of this act, shall serve for a two-year term.

Sec. 3. Article 9 of Chapter 143B of the General Statutes is amended by adding a new part to read:

"Part 8A. Office of Marine Affairs.

"§ 143B-390.1. *Office of Marine Affairs - creation.*—There is created in the Department of Administration the Office of Marine Affairs.

"§ 143B-390.2. *Office of Marine Affairs - organization; powers and duties.*—(a) The Office shall be organized as prescribed by the Secretary of Administration and exercise the following powers and duties:

(1) To administer the operations of the three North Carolina Marine Resources Centers;

(2) To provide staff to the North Carolina Marine Science Council in furtherance of the Council's statutory powers and duties;

(3) To advise the Secretary of Administration regarding the analysis, planning and implementation of current and future State and federal goals, policies and programs relating to the ocean and marine resources of North Carolina;

(4) To advise the Secretary of Administration in providing recommendations to other educational, informational and policy-making bodies regarding marine and ocean resource issues;

(5) To review research proposals submitted for State matching funds for The University of North Carolina Sea Grant College Program;

(6) To administer the State Outer Continental Shelf (OCS) Task Force and coordinate State participation activities in the federal outer continental shelf resource recovery programs as provided under the OCS Lands Act Amendments of 1978 (43 USC § 1801); and

(7) To assume any other powers and duties assigned to it by the Secretary.

(b) The Secretary may adopt any rules and procedures necessary to implement this section."

Sec. 4. G.S. 143-347.10, 143-347.11, 143-347.12, 143-347.13 and 143-347.14 are repealed.

Sec. 5. G.S. 120-123 is amended by adding a new subsection (43) to read:

"(43) The North Carolina Marine Science Council, as established by G.S. 143B-389."

Sec. 6. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

H.B. 511 **CHAPTER 203**

AN ACT TO AMEND G.S. 108A-14 AFFECTING THE DUTIES AND RESPONSIBILITIES OF COUNTY DIRECTORS OF SOCIAL SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 108A-14(8) is rewritten to read:

"(8) To supervise domiciliary homes for aged or disabled persons under the rules and regulations of the Social Services Commission."

Sec. 2. G.S. 108A-14 is amended by adding a new subdivision (14) to read:

"(14) To receive and evaluate reports of abuse, neglect, or exploitation of disabled adults and to take appropriate action as required by the

Protection of the Abused, Neglected, or Exploited Diabled Adults Act, Article 6 of this Chapter, to protect these adults."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

H.B. 525 **CHAPTER 204**

AN ACT TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT HIS PERMISSION IN HOKE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful for any person to hunt, take, or kill any animal on the land of another without the written permission, in his possession, of the owner or lessee of the land. The written permission shall be dated, it shall be valid for a period of no longer than one year after issuance, and it shall be displayed upon request to any law enforcement officer with authority to enforce this act.

Sec. 2. Violation of this act is a misdemeanor punishable for a first conviction by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) or by imprisonment not to exceed 30 days and for a second or subsequent conviction within three years by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), by imprisonment not to exceed 60 days, or by both.

Sec. 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Sec. 4. This act applies only to Hoke County.

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

H.B. 638 **CHAPTER 205**

AN ACT TO REQUIRE PROMPT INVESTIGATION OF A REPORT OF JUVENILE ABUSE OR NEGLECT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-544 is amended in the first paragraph by inserting between the first and second sentences the following two sentences to read:

"When the report alleges abuse, the Director shall immediately, but no later than 24 hours after receipt of the report, initiate the investigation. When the report alleges neglect, the Director shall initiate the investigation within 72 hours following receipt of the report."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

H.B. 663 **CHAPTER 206**

AN ACT TO AMEND G.S. 143B-153 TO PROVIDE FOR ADOPTION OF RULES BY THE SOCIAL SERVICES COMMISSION ESTABLISHING STANDARDS FOR THE INSPECTION AND LICENSING OF DOMICILIARY HOMES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-153(3)b. is amended to read as follows:

"b. For the inspection and licensing of domiciliary homes for aged or disabled persons as provided by G.S. 131D-2(b)."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

S.B. 156 **CHAPTER 207**

AN ACT TO AMEND CHAPTERS 24 AND 45 TO PROVIDE FOR EQUITY LINES OF CREDIT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 24 of the General Statutes is amended by adding after G.S. 24-1.2 a new section to read:

"§ 24-1.2A. *Equity lines of credit.*—Notwithstanding any other provision of this Chapter, the parties to an equity line of credit, as defined in G.S. 45-81, may contract in writing for interest at rates which shall not exceed the maximum rates permitted under G.S. 24-1.2(2a); provided, however, that the parties may contract for interest rates which shall be adjustable or variable, so long as for adjustable or variable rate contracts the rate in effect for a given period does not exceed the maximum rate permitted under G.S. 24-1.2(2a) for the same period. Fees may be charged on equity lines of credit which in the aggregate, over the life of the contract based on the maximum limit of the line of credit, do not exceed those permitted under G.S. 24-10."

Sec. 2. Chapter 45 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 9.

"Instruments to secure equity lines of credit.

"§ 45-81. *Definition.*—(a) The term 'equity line of credit' means an agreement in writing between a lender and a borrower for an extension of credit pursuant to which:

(1) At any time within a specified period not to exceed 15 years the borrower may request and the lender is obligated to provide, by honoring negotiable instruments drawn by the borrower or otherwise, advances up to an agreed aggregate limit;

(2) Any repayments of principal by the borrower within the specified period will reduce the amount of advances counted against the aggregate limit; and

(3) The borrower's obligation to the lender is secured by a mortgage or deed of trust relating to real property which mortgage or deed of trust shows on its face the maximum principal amount which may be secured at any one time and that it secures an equity line of credit governed by the provisions of this Article.

(b) As used in subdivision (a)(1) of this section, 'lender is obligated' means that the lender is contractually bound to provide advances. The contract must set forth any events of default by the borrower, or other events not within the lender's control, which may relieve the lender from his obligation, and must state whether or not the lender has reserved the right to cancel or terminate the obligation.

(c) At any time when the balance of all outstanding sums secured by a mortgage or deed of trust pursuant to the provisions of this Article is zero, the lender shall, upon the request of the borrower, make written entry upon the security instrument showing payment and satisfaction of the instrument; provided, however, that such security instrument shall remain in full force and effect for the term set forth therein absent the borrower's request for such written entry. No prepayment penalty may be charged with respect to an equity line of credit loan.

"§ 45-82. *Priority of security instrument.*—A mortgage or deed of trust which shows on its face that it secures an equity line of credit governed by the provisions of this Article, shall, from the time of its registration, have the same priority to the extent of all advances secured by it as if the advances had been made at the time of the execution of the mortgage or deed of trust, notwithstanding the fact that from time to time during the term of the loan no balance is outstanding. Payments made by the lender for insurance, taxes, and assessments and other payments made by the lender pursuant to the deed of trust shall have the same priority as if made at the time of the execution of the mortgage or deed of trust, notwithstanding the maximum principal amount set forth in the mortgage or deed of trust.

"§ 45-83. *Future advances statute shall not apply.*—The provisions of Article 7 of this Chapter shall not apply to an equity line of credit or the instrument securing it, if the instrument shows on its face that it secures an equity line of credit governed by the provisions of this Article.

"§ 45-84. *Article not exclusive.*—Except as otherwise provided in G.S. 45-83, the provisions of this Article are not exclusive, and no mortgage or deed of trust which secures a line of credit or other obligation shall be invalidated by failure to comply with the provisions of this Article."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1985.

S.B. 336 **CHAPTER 208**

AN ACT TO AMEND G.S. 49-14 TO ALLOW THE ESTABLISHMENT OF PATERNITY UNTIL AGE EIGHTEEN IN ACCORDANCE WITH NORTH CAROLINA CASE LAW AND AS REQUIRED BY FEDERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 49-14(a) is amended by deleting the period at the end of the first sentence and adding the following at the end of that sentence: "at any time prior to such child's eighteenth birthday".

Sec. 2. G.S. 49-14 is amended by adding a new subsection (d) as follows:

"(d) If the action to establish paternity is brought more than three years after birth of a child, paternity shall not be established in a contested case without evidence from a blood grouping test, or evidence that the putative father has declined an opportunity for such testing."

Sec. 3. This act shall be effective October 1, 1985.

In the General Assembly read three times and ratified, this the 20th day of May, 1985.

H.B. 508 **CHAPTER 209**

AN ACT TO PROVIDE SUPPLEMENTAL RETIREMENT FUNDS FOR MEMBERS OF THE CITY OF SHELBY FIRE DEPARTMENT AND TO MODIFY THE APPLICATION OF G.S. 118-5, G.S. 118-6, and G.S. 118-7 TO THE CITY OF SHELBY.

The General Assembly of North Carolina enacts:

Section 1. Disbursements. Notwithstanding, the provision of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Shelby shall as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the local Firemen's Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 2 of this act.

Sec. 2. Supplemental Retirement Benefits. (a) Each retired full-time member of the City of Shelby Fire Department who retires with 20 years service or more as a member of the City of Shelby Fire Department and who retired subsequent to attaining the age of 55 years, shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a member of the City of Shelby Fire Department; provided, in no event shall any retired member of the City of Shelby Fire Department be entitled to or receive in any year an annual benefit in excess of twelve hundred dollars ($1,200).

(b) Each retired member of the City of Shelby Fire Department Volunteers who retires with 20 years service or more as a member of the City of Shelby Fire Department Volunteers, and who retired subsequent to attaining the age of 55 years, shall be entitled to and shall receive an annual benefit equal to one quarter of one share for each full year of

service as a member of the City of Shelby Fire Department Volunteers; provided, in no event shall any retired member of the City of Shelby Fire Department Volunteers be entitled to or receive in any year an annual benefit in excess of four hundred dollars ($400.00).

(c) Any former member of the City of Shelby Fire Department who is not otherwise entitled to supplemental retirement benefits under this section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

(1) that they initially retired from their position as a member of the City of Shelby Fire Department because of their inability, by reason of sickness or injury, to perform the normal duties of an active member of the City of Shelby Fire Department; and

(2) that, within 30 days prior to or following their initial retirement as a member of the City of Shelby Fire Department at least two physicians licensed to practice medicine in North Carolina certified that they were at such time unable, by reason of sickness or injury, to perform the normal duties of an active member of the City of Shelby Fire Department; and

(3) that, at the time of their initial retirement as a member of the City of Shelby Fire Department, there was not available to them in the fire department or in any other department of the City a position of employment with normal duties that they were capable of performing; and

(4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that they remain unable, by reason of sickness or injury, to perform the normal duties of an active member of the City of Shelby Fire Department; and

(5) that there is not available to them in the fire department or in any other department of the City a position of employment with normal duties after initially making the findings of fact specified in subdivisions (1), (2), and (3) of this subsection.

The Board of Trustees need not specify these findings in subsequent calendar years.

Sec. 3. Intention. It is the intention of Sections 1 and 2 of this act to authorize the disbursements as supplemental retirement benefits only of the income derived in any calendar year from investments of funds belonging to the Local Firemen's Relief Fund.

Sec. 4. Investment of Funds. The Board of Trustees is hereby authorized and directed to invest all of the funds of the Local Firemen's Relief Fund in one or more investments named in or authorized by G.S. 159-30, or G.S. 159-31.

Sec. 5. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen's Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in their control, payable to the Board of Trustees, and conditioned upon the faithful performance of their duties; such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees shall pay from the Local Firemen's Relief Fund the premiums on the bond of the Treasurer.

Sec. 6. None of the provisions of this act shall create a liability for the Shelby Local Firemen's Relief Fund unless sufficient current assets are available to pay fully for the liability.

Sec. 7. If any provisions of this act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Sec. 8. All laws and clauses of laws in conflict with this act are repealed.

Sec. 9. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 20th day of May, 1985.

H.B. 550 **CHAPTER 210**

AN ACT TO AMEND CHAPTER 767 OF THE 1983 SESSION LAWS AND RELATING TO THE PURCHASE OF CREDIT IN THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 767 of the 1983 Session Laws is rewritten to read as follows:

"Section 1. Any person who became a uniformed officer of the Charlotte municipal airport fire station on March 1, 1958, and who became a uniformed member of the Charlotte Fire Department and a member of the Charlotte Firemen's Retirement System on January 15, 1960, and who was as of July 15, 1983, still employed as a uniformed member of the Charlotte Fire Department, shall be allowed to purchase credit in the Charlotte Firemen's Retirement System for his service as a uniformed member of the airport fire station by paying into the Retirement System an amount of money equal to the amount of contributions, based upon his salary from the City and the contribution rates then in effect, that he would have paid into the Retirement System, pursuant to the Charlotte Firemen's Retirement System Act, had he been a member between March 1, 1958, and January 15, 1960, plus interest on such contributions, computed at five percent (5%) per annum, from the time such contributions would have been made until the date the credit is purchased.

Upon purchase of the service credit, the purchaser shall be deemed, for purposes of the Charlotte Firemen's Retirement Act, to have been a uniformed member of the Charlotte Fire Department and a member of the Charlotte Firemen's Retirement System from March 1, 1958."

Sec. 2. Section 767 of the 1983 Session Laws is amended further by the addition of a new section, to be denominated "Section 1.1.", and to read as follows:

"Sec. 1.1. Upon the purchase, pursuant to Section 1 of this act, of credit in the Charlotte Firemen's Retirement System by any eligible person, the City of Charlotte shall pay into the System an amount of money equal to the contributions that the City would have paid into such System, pursuant to the Charlotte Firemen's Retirement System Act, on that person's behalf had he been a member between March 1, 1958, and January

15, 1960, plus interest on such contributions, compounded at five percent (5%) per annum, from the time the contributions would have been made until the date the credit is purchased."

Sec. 3. In the event that any person, acting pursuant to Chapter 767 of the 1983 Session Laws and prior to the effective date of this act, has purchased credit in the Charlotte Firemen's Retirement System, the City of Charlotte shall reimburse such person in an amount to be computed pursuant to the formula described in Section 2 of this act.

Sec. 4. The act shall apply to the City of Charlotte only.

Sec. 5. None of the provisions of this act shall create a liability for the Charlotte Firemen's Retirement System unless sufficient current assets are available in the System to pay fully for the liability.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1985.

H.B. 204 **CHAPTER 211**

AN ACT TO PROVIDE BETTER NOTICE TO PERSONS WHOSE VOTER REGISTRATION IS BEING PURGED FOR FAILURE TO VOTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-69(2) is amended by adding the following immediately after the third sentence:

"Included with or as a part of the notice shall be a postcard or other communication, preaddressed to the county board of elections, upon which the voter may state his current residence address, sign, and return. If the voter signs and returns the postcard or other communication, and indicates an address within the county, his name shall not be removed from the permanent registration records. If the address indicated is an address different from that appearing on the registration records, and is in a different precinct, the board of elections shall immediately transfer the voter's registration to his new precinct, and notify the voter by return mail of his new voting place and precinct."

Sec. 2. G.S. 163-69(2) is amended by adding the following at the end:

"In each county which maintains voter registration records on electronic data processing equipment and prepares the mailing list for orders to show cause from such records, the county board of elections shall permit the county chairmen of the two political parties having the greatest number of registered voters in the county to copy a list of the names, precincts, and addresses of all persons to whom notice to show cause has been sent under this subdivision, or shall provide a copy of that list to the chairmen. In all other counties, the county board of elections shall permit the county chairmen of the two political parties having the greatest number of registered voters in the county or his designee to review or inspect the names, precincts, and addresses of all persons to whom notice to show cause has been sent under this subdivision."

Sec. 3. This act shall become effective with respect to notices to show cause sent after July 1, 1985.

In the General Assembly read three times and ratified, this the 20th day of May, 1985.

S.B. 209 **CHAPTER 212**

AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE EXPRESS AUTHORIZATION FOR JOINT AGENCIES TO PLEDGE, ASSIGN, MORTGAGE OR OTHERWISE GRANT A SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OR ANY INTEREST THEREIN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 159B-11(8) is rewritten to read:

"(8) To pledge, assign, mortgage or otherwise grant a security interest in any real or personal property or interest therein, including the right and power to pledge, assign or otherwise grant a security interest in any money, rents, charges or other revenues and any proceeds derived by the joint agency from the sales of property, insurance or condemnation awards."

Sec. 2. G.S. 159B-17(c) is rewritten to read:

"(c) Any pledge of revenues, securities or other moneys made by a municipality or joint agency pursuant to this Chapter shall be valid and binding from the date the pledge is made. The revenues, securities, and other moneys so pledged and then held or thereafter received by the municipality or joint agency or any fiduciary shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the municipality or joint agency without regard to whether such parties have notice thereof. The resolution or trust agreement or any financing statement, continuation statement or other instrument by which a pledge of revenues, securities or other moneys is created need not be filed or recorded in any manner."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1985.

S.B. 385 **CHAPTER 213**

AN ACT TO INSURE THE COMPETITIVE SELECTION OF PAYROLL DEDUCTION INSURANCE PRODUCTS PAID FOR BY STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. Article 21 of General Statutes Chapter 58 is amended by adding a new section to read:

"§ 58-194.3. *Competitive selection of payroll deduction insurance products paid for by State employees.*—(a) Employee Insurance Committee. The head of each State government employee payroll unit offering payroll

deduction insurance products to employees shall appoint an Employee Insurance Committee for the following purposes:

(1) To review insurance products currently offered through payroll deduction to the State employees in the Employee Insurance Committee's payroll unit to determine if those products meet the needs and desires of employees in the Employee Insurance Committee's payroll unit.

(2) To select the types of insurance products that reflect the needs and desires of employees in the Employee Insurance Committee's payroll unit.

(3) To competitively select the best insurance products of the types determined by the Employee Insurance Committee to reflect the needs and desires of the employees of that payroll unit.

(b) Appointment of Employee Insurance Committee Members. The members of the Employee Insurance Committee shall be appointed by the head of the payroll unit. The Committee shall consist of not less than five or more than nine individuals a majority of whom have been employed in the payroll unit for at least one year. The Committee members shall, except where necessary initially to establish the rotation herein prescribed, serve three-year terms with approximately one-third of the terms expiring annually. Committee membership make-up shall fairly represent the work force in the payroll unit and be selected without regard to any political or other affiliations. It shall be the duty of the payroll unit head to assure that the Employee Insurance Committee is completely autonomous in its selection of insurance products and insurance companies and that no member of the Employee Insurance Committee has any conflict of interest in serving on the Committee. A committee on employee benefits elected or appointed by the faculty representative body of a constituent institution of The University of North Carolina shall be deemed constituted and functioning as an employee insurance committee in accordance with this section. Any decision rendered by the Employee Insurance Committee where the autonomy of the Committee or a conflict of interest is questioned shall be subject to appeal pursuant to the Administrative Procedure Act, or in the case of Departments, Boards and Commissions which are specifically exempt from the Administrative Procedure Act, pursuant to the appeals procedure prescribed for such Department, Board or Commission.

(c) Payroll Deduction Slots. Each payroll unit shall be entitled to not less than four payroll deduction slots to be used for payment of insurance premiums for products selected by the Employee Insurance Committee and offered to the employees of the payroll unit. The Employee Insurance Committee shall select only one company per payroll deduction slot. The company selected by the Employee Insurance Committee shall be permitted to sell through payroll deduction only the products specifically approved by the Employee Insurance Committee. The assignment by the Employee Insurance Committee of a payroll deduction slot shall be for a period of not less than two years unless the insurance company shall be in violation of the terms of the written agreement specified in this subsection. The insurance company awarded a payroll deduction slot shall, pursuant to a written agreement setting out the rights and duties of the

insurance company, be afforded an adequate opportunity to solicit employees of the payroll unit by making such employees aware that a representative of the company will be available at a specified time and at a location convenient to the employees.

(d) Criminal Penalty. It shall be a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than 30 days, or both for any State employee, who has supervisory authority over any member of the Employee Insurance Committee, to attempt to influence the autonomy of any Employee Insurance Committee either in the appointment of members to such Committee or in the operation of such Committee. The Commissioner of Insurance shall have the authority to investigate complaints alleging acts subject to the criminal penalty and shall report his findings to the Attorney General of North Carolina."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1985.

H.B. 234 **CHAPTER 214**

AN ACT TO CLARIFY INTEREST RELATING TO JUDGMENTS AND PROVIDE FOR INTEREST ON NONCONTRACT JUDGMENTS REGARDLESS OF INSURANCE COVERAGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 24-5 is rewritten to read:

"§ 24-5. *Contracts, except penal bonds, and judgments to bear interest.*—(a) Contracts. In an action for breach of contract, except an action on a penal bond, the amount awarded on the contract bears interest from the date of breach. The fact finder in an action for breach of contract shall distinguish the principal from the interest in the award, and the judgment shall provide that the principal amount bears interest until the judgment is satisfied. Interest on an award in a contract action shall be at the contract rate, if the parties have so provided in the contract; otherwise, it shall be at the legal rate.

(b) Other actions. In an action other than contract, the portion of money judgment designated by the fact finder as compensatory damages bears interest from the date the action is instituted until the judgment is satisfied. Interest on an award in an action other than contract shall be at the legal rate."

Sec. 2. This act shall become effective October 1, 1985. This act shall not affect pending litigation and shall not affect the law as it existed before the enactment of Chapter 327 of the 1981 Session Laws.

In the General Assembly read three times and ratified, this the 21st day of May, 1985.

H.B. 674 **CHAPTER 215**

AN ACT TO CLARIFY AND SIMPLIFY THE ESCHEATS AND ABANDONED PROPERTY STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 116B-12(a) is amended by deleting the phrase "receives information that the owner no longer resides at the address listed in the holder's records and".

Sec. 2. G.S. 116B-29(b)(4) is rewritten to read:

"(4) A certification that the property reported has been held for the period required by Article 2 of this Chapter; and".

Sec. 3. G.S. 116B-29(e) is amended by adding a new sentence at the end to read:

"Notwithstanding the above, any person authorized to bind the appropriate entity may make this verification."

Sec. 4. G.S. 116B-30 is amended by adding at the end a new subsection (f) to read:

"(f) Confidentiality of information. Notwithstanding the provisions of Chapter 132 of the General Statutes, the supporting data and lists of owners of escheated and abandoned property may be confidential until six months after the notice to clerks of superior court required by subsection (b) of this section has been distributed. This requirement shall not apply to owners of reported property making inquiries about their property to be researched by the staff of the Escheat Fund."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1985.

S.B. 147 **CHAPTER 216**

AN ACT TO PROVIDE FOR THE VOLUNTARY REGISTRATION AND DEDICATION OF NATURAL AREAS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 113A of the General Statutes is amended by adding a new Article 9A to read:

"ARTICLE 9A.
"Nature Preserves Act.

"§ 113A-164.1. *Short title.*—This Article shall be known as the Nature Preserves Act.

"§ 113A-164.2. *Declaration of policy and purpose.*—(a) The continued population growth and land development in North Carolina have made it necessary and desirable that areas of natural significance be identified and preserved before they are destroyed. These natural areas are irreplaceable as laboratories for scientific research, as reservoirs of natural materials for uses that may not now be known, as habitats for plant and animal species and biotic communities, as living museums where people may observe natural biotic and environmental systems and the interdependence

of all forms of life, and as reminders of the vital dependence of the health of the human community on the health of the other natural communities.

(b) It is important to the people of North Carolina that they retain the opportunity to maintain contact with these natural communities and environmental systems of the earth and to benefit from the scientific, aesthetic, cultural, and spiritual values they possess. The purpose of this Article is to establish and maintain a State Registry of Natural Heritage Areas and to prescribe methods by which nature preserves may be dedicated for the benefit of present and future citizens of the State.

"§ 113A-164.3. *Definitions.*—As used in this Article, unless the context requires otherwise:

(1) 'Articles of dedication' means the writing by which any estate, interest, or right in a natural area is formally dedicated as a nature preserve as authorized in G.S. 113A-164.6.

(2) 'Dedicate' means to transfer to the State an estate, interest, or right in a natural area in any manner authorized in G.S. 113A-164.6.

(3) 'Natural area' means an area of land, water, or both land and water, whether publicly or privately owned, that (i) retains or has reestablished its natural character, (ii) provides habitat for rare or endangered species of plants or animals, (iii) or has biotic, geological, scenic, or paleontological features of scientific or educational value.

(4) 'Nature preserve' means a natural area that has been dedicated pursuant to G.S. 113A-164.6.

(5) 'Owner' means any individual, corporation, partnership, trust, or association, and all governmental units except the State, its departments, agencies or institutions.

(6) 'Registration' means an agreement between the Secretary and the owner of a natural area to protect and manage the natural area for its specified natural heritage resource values.

(7) 'Secretary' means the Secretary of the Department of Natural Resources and Community Development.

"§ 113A-164.4. *Powers and duties of the Secretary.*—The Secretary shall:

(1) Establish by regulation the criteria for selection, registration, and dedication of natural areas and nature preserves.

(2) Cooperate or contract with any federal, State, or local government agency, private conservation organization, or person in carrying out the purposes of this Article.

(3) Maintain a Natural Heritage Program to provide assistance in the selection and nomination for registration or dedication of natural areas. The Program shall include classification of natural heritage resources, an inventory of their locations, and a data bank for that information. The Program shall cooperate with the Department of Agriculture in the selection and nomination of areas that contain habitats for endangered and rare plant species, and shall cooperate with the Wildlife Resources Commission in the selection and nomination of areas that contain habitats for endangered and rare animal species. Information from the natural heritage data bank may be made available to public agencies and private persons for environmental assessment and land management purposes. Use of the inventory data for any purpose inconsistent with the Natural

Heritage Program may not be authorized. The Program shall include other functions as may be assigned for registration, dedication, and protection of natural areas and nature preserves.

(4) Prepare a Natural Heritage Plan that shall govern the Natural Heritage Program in the creation of a system of registered and dedicated natural areas.

(5) Publish and disseminate information pertaining to natural areas and nature preserves within the State.

(6) Appoint advisory committees composed of representatives of federal, State, and local governmental agencies, scientific and academic institutions, conservation organizations, and private business, to advise him on the identification, selection, registration, dedication, and protection of natural areas and nature preserves.

(7) Submit to the Governor and the General Assembly a biennial report on or before February 15, 1987, and on or before February 15 of subsequent odd-numbered years describing the activities of the past biennium and plans for the coming biennium, and detailing specific recommendations for action that the Secretary deems necessary for the improvement of the Program.

"§ 113A-164.5. *Registration of natural areas.*—(a) The Secretary shall maintain a State Registry of voluntarily protected natural areas to be called the North Carolina Registry of Natural Heritage Areas. Registration of natural areas shall be accomplished through voluntary agreement between the owner of the natural area and the Secretary. State owned lands may be registered by agreement with the agency to which the land is allocated. Registration agreements may be terminated by either party at any time, and termination removes the area from the Registry.

(b) A natural area shall be registered when an agreement to protect and manage the natural area for its specified natural heritage resource value has been signed by the owner and the Secretary. The owner of a registered natural area shall be given a certificate signifying the inclusion of the area in the Registry.

"§ 113A-164.6. *Dedication of nature preserves.*—(a) The State may accept the dedication of nature preserves on lands deemed by the Secretary to qualify as outstanding natural areas. Nature preserves may be dedicated by voluntary act of the owner. The owner of a qualified natural area may transfer fee simple title or other interest in land to the State. Nature preserves may be acquired by gift, grant, or purchase. Dedication of a preserve shall become effective only upon acceptance of the articles of dedication by the State. Articles of dedication shall be recorded in the Office of the Register of Deeds in the county or counties in which the natural area is located.

(b) Articles of dedication may:

(1) Contain restrictions and other provisions relating to management, use, development, transfer, and public access, and may contain any other restrictions and provisions as may be necessary or advisable to further the purposes of this Article;

(2) Define, consistently with the purposes of this Article, the respective rights and duties of the owner and of the State and

provide procedures to be followed in case of violation of the restrictions;

(3) Recognize and create reversionary rights, transfers upon conditions or with limitations, and gifts over; and

(4) Vary in provisions from one nature preserve to another in accordance with differences in the characteristics and conditions of the several areas.

(c) Subject to the approval of the Governor and Council of State, the State may enter into amendments of any articles of dedication upon finding that the amendment will not permit an impairment, disturbance, use, or development of the area inconsistent with the purposes of this Article. If the fee simple estate in the nature preserve is not held by the State under this Article, no amendment may be made without the written consent of the owner of the other interests therein.

"§ 113A-164.7. *Nature preserves held in trust.*—Lands dedicated for nature preserves pursuant to this Article are held in trust by the State for those uses and purposes expressed in this Article for the benefit of the people of North Carolina. These lands shall be managed and protected according to regulations adopted by the Secretary. Lands dedicated as a nature preserve pursuant to G.S. 113A-164.6 may not be used for any purpose inconsistent with the provisions of this Article, or disposed of, by the State without a finding by the Governor and Council of State that the other use or disposition is in the best interest of the State.

"§ 113A-164.8. *Dedication of State owned lands to nature preserves; procedures.*—Subject to the approval of the Governor and Council of State, State owned lands may be dedicated as a nature preserve. State owned lands shall be dedicated by allocation pursuant to the provisions of G.S. 143-341(4)g. Lands dedicated pursuant to this section may be removed from dedication upon the approval of the Governor and Council of State.

"§ 113A-164.9. *Dedication of preserves by local governmental units.*—All local units of government may dedicate lands as nature preserves by transfer of fee simple title or other interest in land to the State.

"§ 113A-164.10. *Acquisition of land by State.*—All acquisitions or dispositions of an interest in land by the State pursuant to this Article shall be subject to the provisions of Chapter 146 of the General Statutes.

"§ 113A-164.11. *Assessment of land subject to permanent dedication agreement.*—For purposes of taxation, privately owned land subject to a nature preserve dedication agreement shall be assessed on the basis of the true value of the land less any reduction in value caused by the agreement."

Sec. 2. G.S. 105-317(a)(1) is amended by adding after the language "water privileges;" the language "dedication as a nature preserve;".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1985.

S.B. 281 **CHAPTER 217**

AN ACT TO ALLOW THE TOWN OF NASHVILLE TO EXERCISE EXTRATERRITORIAL PLANNING POWERS UP TO TWO MILES FROM THE CORPORATE LIMITS WITH THE APPROVAL OF THE COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-360(a) is amended by adding the following new sentence immediately after the third sentence:

"Notwithstanding the previous sentence, and with the approval of the County Board of Commissioners with jurisdiction over the area, the Town of Nashville may exercise these powers over an area extending not more than two miles beyond its limits."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1985.

H.B. 81 **CHAPTER 218**

AN ACT TO REENACT THE NORTH CAROLINA CHILD PASSENGER RESTRAINT LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-137.1 is hereby rewritten to read as follows:

"§ 20-137.1. *Child restraint systems required.*—(a) Every driver who is transporting a child of less than six years of age shall have the child properly secured in a child passenger restraint system (car safety seat) which met applicable federal standards at the time of its manufacture. The requirements of this section may be met when the child is three years of age or older by securing the child in a seat safety belt.

(b) The provisions of this section shall not apply: (i) to vehicles registered in another state or jurisdiction; (ii) to ambulances or other emergency vehicles; (iii) when the child's personal needs are being attended to; (iv) if all seating positions equipped with child passenger restraint systems or seat belts are occupied; or (v) to vehicles which are not required by federal law or regulation to be equipped with seat belts.

(c) Any person convicted of violating this section may be punished by a fine not to exceed twenty-five dollars ($25.00). No driver charged under this section for failure to have a child under three years of age properly secured in a restraint system shall be convicted if he produces at the time of his trial proof satisfactory to the court that he has subsequently acquired an approved child passenger restraint system.

(d) No driver license points or insurance points shall be assessed for a violation of this section; nor shall a violation constitute negligence per se or contributory negligence per se nor shall it be evidence of negligence or contributory negligence."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 22nd day of May, 1985.

H.B. 346 **CHAPTER 219**

AN ACT TO REQUIRE THAT WHEN NAMES ARE AFFIXED TO DISCHARGES AND RELEASES OF DEEDS OF TRUST OR OTHER INSTRUMENTS THE NAMES BE PRINTED OR TYPED SO AS TO BE LEGIBLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 45-37 is amended by adding a new subsection to read:

"(f) Whenever this section requires a signature or endorsement, that signature or endorsement shall be followed by the name of the person signing or endorsing the document printed, stamped, or typed so as to be clearly legible. The register of deeds may refuse to accept any document when the provisions of this subsection have not been met."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 22nd day of May, 1985.

H.B. 526 **CHAPTER 220**

AN ACT TO REGULATE HUNTING WITH RIFLES IN HOKE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful for any person to hunt with the use of any rifle that has a bore larger than .22 caliber unless the person discharging (shooting) the rifle is positioned at least 10 feet from the ground. It is also unlawful for any person to hunt with the use of a rifle that is capable of firing .22 caliber center fire ammunition or to hunt with such ammunition unless the person discharging (shooting) the rifle is positioned at least 10 feet from the ground.

Sec. 2. Violation of this act is a misdemeanor, punishable by a fine not to exceed fifty dollars ($50.00), imprisonment not to exceed 30 days, or both, in the discretion of the court.

Sec. 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Sec. 4. This act applies only to Hoke County.

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 22nd day of May, 1985.

H.B. 723 **CHAPTER 221**

AN ACT TO AMEND THE NORTH CAROLINA UNIFORM COMMERCIAL CODE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 25-9-404(2) is rewritten to read:

"On presentation to the filing officer of such a termination statement, he must note it in the Uniform Commercial Code index and also, if the

financing statement is subject to subsection (5) of G.S. 25-9-402, in the real estate index. If he has received the termination statement in duplicate, he shall return one copy of the termination statement to the secured party to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement and of any related continuation statements, statement of assignment and statement of release, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such microfilm or other photographic record, he may remove them from the files at any time after one year after receipt of the termination statement. The termination statement shall then remain in the file for such period of time as the financing statement or a continuation statement would be effective under the five-year life provided in G.S. 25-9-403, and then may be destroyed."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1985.

S.B. 39 **CHAPTER 222**

AN ACT TO MAKE THE USE OF SEAT BELTS IN MOTOR VEHICLES MANDATORY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-135.2A. *Seat belt use mandatory.*—(a) Each front seat occupant who is 16 years of age or older and each driver of a passenger motor vehicle manufactured with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have such a safety belt properly fastened about his body at all times when the vehicle is in forward motion on a street or highway in this State. Each driver of a passenger motor vehicle manufactured with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, who is transporting in the front seat a person who is (1) under 16 years of age and (2) not required to be restrained in accordance with G.S. 20-137.1, shall have the person secured by such a safety belt at all times when the vehicle is operated in forward motion on a street or highway in this State. Persons required to be restrained in accordance with G.S. 20-137.1 shall be secured as required by that section.

(b) 'Passenger Motor Vehicle', as used in this section, means a motor vehicle with motive power designed for carrying 10 passengers or fewer, but does not include a motorcycle, a motorized pedacycle or a trailer.

(c) This section shall not apply to any of the following:

(1) a driver or occupant with a medical or physical condition that prevents appropriate restraint by a safety belt or with a professionally certified mental phobia against the wearing of vehicle restraints;

(2) a motor vehicle operated by a rural letter carrier of the United States Postal Service while performing duties as a rural letter carrier;

(3) a driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle if the speed of the vehicle between stops does not exceed 20 miles per hour;
(4) any vehicle registered and licensed as a property-carrying vehicle in accordance with G.S. 20-88, while being used for agricultural or commercial purposes; or
(5) a motor vehicle not required to be equipped with seat safety belts under federal law.

(d) Failure to wear a seat safety belt in violation of this section shall not constitute negligence or contributory negligence in any action for the recovery of damages arising out of the operation, ownership or maintenance of a motor vehicle, nor shall anything in this act change any existing law, rule or procedure pertaining to any such civil action.

(e) Any person violating this section during the period from October 1, 1985, to December 31, 1986, shall be given a warning of violation only. Thereafter, any person violating this section shall have committed an infraction and shall pay a fine of twenty-five dollars ($25.00). An infraction is an unlawful act that is not a crime. The procedure for charging and trying an infraction is the same as for a misdemeanor, but conviction of an infraction has no consequence other than payment of a fine. A person convicted of an infraction may not be assessed court costs.

(f) No drivers license points or insurance surcharge shall be assessed on account of violation of this section.

(g) The Commissioner of the Division of Motor Vehicles and the Department of Public Instruction shall incorporate in driver education programs and driver licensing programs instructions designed to encourage compliance with this section as an important means of reducing the severity of injury to the users of restraint devices and on the requirements and penalties specified in this law.

(h) The Department of Transportation through the Governor's Highway Safety Program shall evaluate the effectiveness of this act and shall include a report of findings in its report on highway safety no later than October 1, 1988."

Sec. 2. This act shall become effective October 1, 1985. This act shall cease to be effective if, and upon such date as, a final determination by lawful authority is made that the North Carolina law on mandatory safety belt usage does not meet the minimum criteria established by the United States Department of Transportation for State mandatory safety belt usage laws necessary to rescind the federal rule requiring automobile manufacturers to phase in automatic occupant restraints in automobiles.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

S.B. 123 **CHAPTER 223**

AN ACT TO CONTINUE THE NORTH CAROLINA MARITAL AND FAMILY THERAPY CERTIFICATION ACT AND THE NORTH CAROLINA MARITAL AND FAMILY THERAPY CERTIFICATION BOARD AND CHANGE THE PENALTY FOR VIOLATION OF THE ACT.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 697 of the 1979 Session Laws (First Session 1979) is hereby amended by deleting the words: "and shall expire October 1, 1985" so that the section as amended will read:

"Sec. 4. This act shall become effective October 1, 1979."

Sec. 1.1. G.S. 90-270.61 is amended by deleting "shall, upon conviction, be guilty of a misdemeanor and be punished by a fine not exceeding two hundred dollars ($200.00) for the first offense and five hundred dollars ($500.00) for each subsequent offense", and substituting "has committed an infraction, which is punishable by a fine of not more than one hundred dollars ($100.00). An infraction is an unlawful act that is not a crime. The procedure for charging and trying an infraction is the same as for a misdemeanor, but conviction of an infraction has no consequence other than payment of a fine."

Sec. 1.2. Section 1.1 of this act applies only to acts committed on or after October 1, 1985.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

S.B. 174 **CHAPTER 224**

AN ACT TO AMEND G.S. 54B-147 CONCERNING THE FEE WHICH MAY BE CHARGED FOR RETURNED CHECKS BY SAVINGS AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 54B-147 is amended by rewriting the first sentence of that section to read:

"Notwithstanding any other provision of law, a processing fee may be charged and collected by any association for checks (including negotiable order of withdrawal drafts) on which payment has been refused by the payor depository institution."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

S.B. 211 **CHAPTER 225**

AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE EXPRESS AUTHORIZATION FOR JOINT AGENCIES AND JOINT MUNICIPAL ASSISTANCE AGENCIES TO PROVIDE FOR THE DEFENSE OF AND INDEMNIFY COMMISSIONERS, OFFICERS OR EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 159B-34 is rewritten to read:

"§ 159B-34. *Liability and defense.*—(a) No commissioner or officer of any joint agency or municipality or person or persons acting in their behalf[,] while acting within the scope of their authority, shall be subject to any personal liability or accountability by reason of his carrying out any of the powers expressly or impliedly given in this Chapter.

(b) The board of commissioners of a joint agency may provide for the defense of a criminal or civil proceeding brought against any current or former commissioner, officer, agent or employee either in his official or individual capacity, or both, on account of any act done or omission made in the scope and course of his employment or duty as a commissioner, officer, agent, or employee of the joint agency. The defense may be provided by the agency by its own counsel, by employing other counsel or by purchasing insurance which requires that the insurer provide the defense.

(c) The board of commissioners may apppropriate funds for the purpose of paying all or part of a claim made or any civil judgment entered against any of its current or former commissioners, officers, agents or employees, when such claim is made or such judgment is rendered as damages on account of any act done or omission made or in the scope and course of his current or former employment or duty as a commissioner, officer, agent or employee; provided, however, that nothing in this section shall authorize any joint agency to appropriate funds for the purpose of paying any claim made or civil judgment entered against any current or former commissioners, officers, agents or employees if the board of commissioners finds that commissioner, officer, agent or employee acted or failed to act because of actual fraud, corruption or actual malice on his part. Any joint agency may purchase insurance coverage for payment of claims or judgments pursuant to this section."

Sec. 2. Chapter 159B of the General Statutes is amended by adding a new section to read:

"§ 159B-47. *Defense.*—(a) The board of commissioners of a joint municipal assistance agency may provide for the defense of a criminal or civil proceeding brought against any current or former commissioner, director, officer, agent or employee either in his official or individual capacity, or both, on account of any act done or omission made in the scope and course of his employment or duty as a commissioner, director, officer, agent or employee of the joint municipal assistance agency. The defense may be provided by the agency by its own counsel, by employing other counsel or by purchasing insurance which requires that the insurer provide the defense.

(b) The board of commissioners may appropriate funds for the purpose of paying all or part of a claim made or any civil judgment entered against any of its current or former commissioners, directors, officers, agents or employees, when such claim is made or such judgment is rendered as damages on account of any act done or omission made or any act allegedly done or omission allegedly made in the scope and course of his current or former employment or duty as a commissioner, director, officer, agent or employee; provided, however, that nothing in this section shall authorize any joint municipal assistance agency to appropriate funds for the purpose of paying any claim made or civil judgment entered against any current or former commissioners, directors, officers, agents or employees if the board of commissioners finds that commissioner, director, officer, agent or employee acted or failed to act because of actual fraud, corruption or actual malice on his part. Any joint municipal assistance agency may purchase insurance coverage for payment of claims or judgments pursuant to this section."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 253 **CHAPTER 226**

AN ACT TO MAKE TECHNICAL CHANGES IN THE LAW REGARDING THE CORRECTIONAL SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 148-22.1(b) is amended by deleting the phrase "regular parole" and substituting the phrase "parole or unconditional release".

Sec. 2. G.S. 148-26.1(4), (5), (6), (7), and (9) are repealed.

Sec. 3. Article 3 of Chapter 148 of the General Statutes is amended by:

(1) deleting in G.S. 148-32.1(c) the phrase "misdemeanant parole pursuant to G.S. 148-60.3" and substituting "parole pursuant to G.S. 15A-1371";

(2) deleting in the first sentence of G.S. 148-32.1(e) the reference "G.S. 148-60.3" and substituting the reference "G.S. 15A-1371";

(3) deleting in G.S. 148-44 the phrase "; and shall provide for separate facilities for youthful offenders as required by G.S. 15-210 to 15-215"; and

(4) deleting in G.S. 148-45(a)(4) the reference "148-12(b)" and substituting the reference "15A-1332(c)".

Sec. 4. G.S. 148-45(a)(3) is repealed.

Sec. 5. G.S. 148-45(b)(3) is repealed.

Sec. 6. Article 3 of Chapter 148 of the General Statutes is amended by:

(1) deleting in G.S. 148-45(b)(4) the reference "G.S. 148-12(b)" and substituting the reference "G.S. 15A-1332(c)"; and

(2) deleting in the first sentence of G.S. 148-45(g)(1) the phrase "on temporary parole by permission of the State Parole Commission" and

substituting the phrase "temporarily allowed to leave a place of confinement by the Secretary of Correction or his designee".

Sec. 7. The second sentence of G.S. 148-49.11 is amended by deleting the word "shall" and substituting the word "may".

Sec. 8. The first sentence of G.S. 148-49.15(a) is amended by deleting the phrase "Article 4 of this Chapter" and substituting the phrase "Article 85 of Chapter 15A of the General Statutes".

Sec. 9. G.S. 148-51.1 is repealed.

Sec. 10. Article 5 of Chapter 148 of the General Statutes is amended by:

(1) deleting in the second sentence of G.S. 148-66 the word "Board" and substituting the word "Department"; and

(2) deleting in the second sentence of G.S. 148-67 the word "Board" and substituting the word "Department".

Sec. 11. G.S. 148-70 is amended by:

(1) deleting in the first sentence of the second paragraph the phrase "without permission of the board of award as provided for in G.S. 143-52";

(2) deleting in the first sentence of the second paragraph the phrase "by the board of award" and substituting the phrase "by the Secretary of Administration"; and

(3) deleting in the last sentence of the second paragraph the phrase "as determined by the board of award or with competitive bids which the board of award may in its discretion require, taking into consideration the best interest of the State as a whole" and substituting the words "as determined by the Secretary by reference to competitive bidding as required by law".

Sec. 12. G.S. 148-74 is amended by deleting the third sentence.

Sec. 13. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 343 **CHAPTER 227**

AN ACT TO INCREASE THE STATE BOARD OF COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-2.1(b) is amended in the language preceding the first colon by deleting "19 members" and by substituting "20 members".

Sec. 2. G.S. 115D-2.1(b)(4) is amended by deleting the word "seven" and by substituting the word "eight".

Sec. 3. G.S. 115D-2.1(b)(4)a. is amended by inserting a new sentence between the first and second to read:

"In 1985, the Senate shall elect two members to serve terms expiring June 30, 1991."

Sec. 4. G.S. 115D-2.1(b)(4)b. is amended by inserting a new sentence between the first and second to read:

"In 1985, the House of Representatives shall elect two members, to serve terms expiring June 30, 1991."

Sec. 5. G.S. 115D-2.1(b)(4)c. is repealed.

Sec. 6. This act is effective upon ratification and applies to elections made in 1985 and after.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 362 **CHAPTER 228**

AN ACT AMENDING THE ASHEVILLE CHARTER CONCERNING THE VOTING RIGHTS OF THE MAYOR.

The General Assembly of North Carolina enacts:

Section 1. Section 10 of Chapter 121 of the Private Laws of 1931, as amended by Ordinance No. 1501 of the City of Asheville, is rewritten to read:

"The mayor, in addition to the other powers conferred on him by this charter, shall have the rights, privileges, requirements, and immunities of a member of the council. He shall preside at meetings of the council and be recognized as head of the city government for ceremonial purposes, by the courts for service of civil process and by the government for purposes of military law. He shall vote on all issues before the council except when excused from voting as provided by law.

At its first meeting following a regular municipal election, the council shall choose from its number a vice-chairman to act as mayor pro tem in absence of the mayor."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 383 **CHAPTER 229**

AN ACT TO ENLARGE THE AMOUNT OF LAND WHICH MAY BE CONDEMNED FOR SCHOOL SITES BY THE CHARLOTTE-MECKLENBURG COUNTY SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-517 is amended by deleting in the last sentence the figure "50" and substituting the figure "80".

Sec. 2. This act applies only to the Charlotte-Mecklenburg County School Administrative Unit.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 424 **CHAPTER 230**

AN ACT TO ALLOW THE BURKE COUNTY BOARD OF EDUCATION TO BUILD A SCHOOL ON LAND LEASED FROM THE STATE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 115C-521(d), the Burke County Board of Education may provide for the erection or repair of a school building on a site which is leased by the Board of Education from the State for a term of not less than 50 years.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 430 **CHAPTER 231**

AN ACT TO PERMIT VEHICLES OPERATED BY MACON COUNTY EMERGENCY MEDICAL SERVICE PERSONNEL TO HAVE RED LIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-130.1(b) is amended by adding a new subdivision to read:

"(14) A vehicle operated by personnel of an emergency medical service operated by a governmental entity, in the performance of their duties."

Sec. 2. This act applies to Macon County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 431 **CHAPTER 232**

AN ACT TO CORRECT THE QUALIFICATION AND TERM OF ALAMANCE COUNTY BOARD OF EDUCATION MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the late taking of oath of office by Horace O. Brannon and Jerry D. Doss as members of The Alamance County Board of Education, and their being appointed and qualified as members to fill vacancies caused by such late oath taking, the terms of office now being served by Horace O. Brannon and Jerry D. Doss as members of The Alamance County Board of Education shall extend to the first Monday of December 1988 to coincide with the terms to which they were elected in 1984.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 439 **CHAPTER 233**

AN ACT TO PERMIT CERTAIN NONSTUDENTS TO RIDE ON SCHOOL BUSES IN YADKIN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, the Yadkin County Board of Education may permit the use of school buses to transport persons not otherwise entitled to use a bus who are enrolled in an Adult Developmental Activities Program designed to educate persons with special needs.

The Yadkin County Board of Education may permit the use and operation of buses as allowed by this act under rules and regulations it adopts.

The Adult Developmental Activities Program shall reimburse the Yadkin County Board of Education for any cost it incurs in transporting pupils pursuant to the provisions of this act. Reimbursement costs shall be determined pursuant to rules adopted by the State Board of Education.

For purposes of this act, a person with special needs is defined as any person who is mentally handicapped, without regard to age.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 472 **CHAPTER 234**

AN ACT TO AUTHORIZE THE TOWN OF AHOSKIE TO JOIN IN CONVEYANCE OF INDUSTRIAL DEVELOPMENT CORPORATION PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. The Town of Ahoskie (the "Town") may join with the Industrial Development Corporation at the Town of Ahoskie (the "Corporation"), or its successors or assigns, in conveying fee simple title to, leasehold interests in, or options to purchase any or all parcels of real property owned by the Corporation, to the extent of future legal or beneficial interests held or which may be acquired by the Town under the Articles of Incorporation and Bylaws of the Corporation. Such conveyances may be executed prior to the time when fee simple title might be conveyed to the Town by deed of gift, as contemplated in the Articles of Incorporation and Bylaws of the Corporation.

Sec. 2. The provisions of Article 12 of G.S. Chapter 160A shall apply to all such conveyances pursuant to this act, except that the procedures for private sale as provided in G.S. 160A-267 may also be used.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 478 **CHAPTER 235**

AN ACT TO PROVIDE THAT VACANCIES IN THE YADKIN COUNTY BOARD OF EDUCATION SHALL BE FILLED UNTIL THE NEXT ELECTION.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of Section 3 of Chapter 406, Session Laws of 1969 is amended by adding the following at the end:

", except that if the vacancy occurs prior to the opening of filing under G.S. 163-106(c), a person shall be appointed to serve only until the next election of members of the board, at which time the remaining unexpired term of the office in which the vacancy occurs shall be filled by election; provided that if the term would have expired on the first Monday in December following that filing deadline, a person shall be appointed to serve the remainder of the unexpired term."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 560 **CHAPTER 236**

AN ACT TO ABOLISH THE OFFICE OF CORONER IN NEW HANOVER COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The office of coroner in New Hanover County is abolished.

Sec. 2. Chapter 152 of the General Statutes does not apply to New Hanover County.

Sec. 3. This act shall become effective December 1, 1986.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 561 **CHAPTER 237**

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON CONCERNING THE CITY TAX COLLECTOR.

The General Assembly of North Carolina enacts:

Section 1. Chapter 495, Session Laws of 1977, being the Charter of the City of Wilmington, is amended by rewriting Section 9.4 of the Charter to read:

"The city council shall appoint a tax collector for the city who shall have all of the powers and duties granted by the general laws of North Carolina to municipal tax collectors, and shall have the power and duty of collecting all taxes, special assessments, public nuisance liens, demolition liens, privilege license taxes, fees, penalties and interest payable to the City except for those assessments, taxes, penalties and interest collected by the New Hanover County tax collector pursuant to a contract between the City and County for the collection of assessments and taxes."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 563 **CHAPTER 238**

AN ACT TO PROVIDE FOR JUDICIAL REVIEW OF DECISIONS OF THE CITY OF WILMINGTON IN GRANTING OR DENYING APPROVAL OF SUBDIVISION PLATS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 495, Session Laws of 1977, being the Charter of the City of Wilmington, is amended by adding a new section to read:

"Sec. 23.9. *Judicial review of decisions granting or denying approval of subdivision plats.* A final decision granting or denying approval of a subdivision plat by the city council or designated planning agency, whichever has final approval authority under an ordinance regulating the subdivision of land within the City's territorial jurisdiction, shall be subject to review by the superior court of New Hanover County by proceedings in the nature of certiorari. A petitioner seeking review must file a petition in the superior court of New Hanover County within 30 days of the final decision of the city council or planning agency. Failure to file such a petition within 30 days of such final decision shall bar review by the superior court. The final decision of the city council or planning agency shall not be stayed pending review except by order granted by the superior court."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 627 **CHAPTER 239**

AN ACT TO PERMIT ONSLOW COUNTY AND THE CITIES LOCATED THERE TO REGULATE ABANDONED, JUNKED VEHICLES FOR AESTHETIC PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of Section 1 of Chapter 841 of the 1983 Session Laws is amended by adding immediately after "Dare" the phrase ", Onslow".

Sec. 2. The first sentence of Section 2 of Chapter 841 of the 1983 Session Laws is amended by adding immediately after "Dare" the phrase ", Onslow".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

H.B. 783 **CHAPTER 240**

AN ACT TO CROSS-REFER IN THE ADOPTION STATUTES TO G.S. 14-320 REGARDING THE SEPARATION OF A CHILD UNDER SIX MONTHS OLD FROM A CUSTODIAL PARENT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE A CLARIFYING AMENDMENT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 48 of the General Statutes is amended by adding a new G.S. 48-3.1 to read as follows:

"§ 48-3.1. *Application of G.S. 14-320.*—The separation of a child under six months old from a custodial parent for the purpose of adoption shall be subject to the provisions of G.S. 14-320."

Sec. 2. The first sentence of G.S. 14-320 is amended by inserting between the phrase "places the child with relatives" and the phrase "or in a boarding home" the following phrase: ", or in private placement adoption,".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

S.B. 160 **CHAPTER 241**

AN ACT TO CLARIFY THE GOVERNING BODIES REQUIRED TO PROVIDE ANNUAL CERTIFICATION OF FIREMEN ELIGIBLE FOR MEMBERSHIP IN THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 118-38 is amended by adding the following sentence at the end:

"For the purposes of the preceding sentence, the governing body of a fire department operated: by a county is the county board of commissioners; by a city is the city council; by a sanitary district is the sanitary district board; by a corporation, whether profit or nonprofit, is the corporation's board of directors; and by any other entity is that group designated by the board."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

S.B. 179 **CHAPTER 242**

AN ACT TO PROHIBIT THE BOARD OF MORTUARY SCIENCE FROM ISSUING SPECIAL PERMITS OR COURTESY CARDS TO NONRESIDENT FUNERAL DIRECTORS, EMBALMERS, AND FUNERAL SERVICE LICENSEES FROM STATES THAT DO NOT RECIPROCATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-210.25(b)(3) is amended by adding a new sentence at the end to read:

"Provided, no special permits may be issued to nonresident funeral directors, embalmers, and funeral service licensees from states that do not issue similar courtesy cards to persons licensed in North Carolina pursuant to this Article."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

S.B. 210 **CHAPTER 243**

AN ACT TO AUTHORIZE MUNICIPALITIES TO NAME UP TO TWO ALTERNATE COMMISSIONERS TO A JOINT AGENCY AND A JOINT MUNICIPAL ASSISTANCE AGENCY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 159B-9(c) is amended so that the fifth sentence reads:

"The governing board of each of the municipalities may appoint up to two alternate commissioners to act in lieu of its appointed commissioner when the appointed commissioner is unable for any reason to attend meetings of the board of commissioners or any committee thereof, and the governing board shall designate them as first or second alternate commissioner."

Sec. 2. G.S. 159B-43(c) is amended so that the fifth sentence reads:

"The governing board of each of the municipalities may appoint up to two alternate commissioners to act in lieu of its appointed commissioner when the appointed commissioner is unable for any reason to attend meetings of the board of commissioners or any committee thereof, and the governing board shall designate them as first or second alternate commissioner."

Sec. 3. G.S. 159B-43(a) is amended by rewriting the second sentence of the second paragraph of that subsection as follows:

"The governing board of the municipality shall thereupon by ordinance or resolution appoint one commissioner and up to two alternate commissioners of the joint municipal assistance agency who may, at the discretion of the governing board, be an officer or employee of the municipality. If two alternate commissioners are appointed, the governing board shall designate them as first or second alternate commissioner."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

S.B. 341 **CHAPTER 244**

AN ACT TO PROVIDE FOR ALTERNATIVE ARRANGEMENTS FOR LOCAL PROGRAM ADMINISTRATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-141 is amended by adding the following sentence at the end of the second paragraph: "A county may negotiate alternative arrangements to the procedure outlined in G.S. 110-130 for designating a local person or agency to administer the provisions of this Article in that county."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

S.B. 163 **CHAPTER 245**

AN ACT TO INCREASE THE MEMBERSHIP OF THE ASHEBORO AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of Section 14.2 of the City Charter of the City of Asheboro, as enacted by Section 1 of Chapter 481 of the Session Laws of 1967, is rewritten to read:

"Sec. 14.2. Membership. The Airport Authority shall consist of five members who shall be appointed by the City Council and shall serve three-year terms."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

S.B. 175 **CHAPTER 246**

AN ACT TO AMEND G.S. CHAPTER 115C TO PERMIT LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEPOSIT FUNDS IN SAVINGS AND LOAN ASSOCIATIONS AND TO DESIGNATE SAVINGS AND LOAN ASSOCIATIONS AS OFFICIAL DEPOSITORIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-443 is amended by rewriting the first sentence of subsection (b) to read as follows:

"(b) Monies may be deposited at interest at any bank, savings and loan association, or trust company in this State in the form of certificates of deposit or such other forms of time deposit as the Local Government Commission may approve."

Sec. 2. G.S. 115C-444 is amended by rewriting the first sentence of subsection (a) to read as follows:

"(a) Each board of education shall designate as the official depositories of the local school administrative unit one or more banks, savings and loan associations, or trust companies in this State."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

S.B. 231 **CHAPTER 247**

AN ACT TO PROVIDE THAT CERTAIN APPOINTIVE OFFICERS AND EMPLOYEES OF THE TOWN OF PARKTON NEED NOT BE RESIDENTS OF THAT TOWN.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 165, Private Laws of 1901, as rewritten by Section 2 of Chapter 803, Session Laws of 1945, is amended by deleting "shall be citizens of said town and".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

S.B. 263 **CHAPTER 248**

AN ACT CREATING A BIRD SANCTUARY AT LAKE TABOR IN COLUMBUS COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is created a bird sanctuary at Lake Tabor in Columbus County. The bird sanctuary shall include all of the waters of Lake Tabor and embrace all of the lands surrounding said lake within the area described as follows:

"All lands now owned by the Tabor City Recreation Commission, Incorporated, in Williams and South Williams Townships of Columbus County and all lands lying and being within 150 feet thereof."

Sec. 2. The intent and purpose of this act is to preserve and protect bird life at Lake Tabor and in the immediate vicinity.

Sec. 3. The owners of real estate located in and adjacent to the bird sanctuary are authorized to erect or to contract with the Department of Transportation for the erection and maintenance of signs stating that the area is a bird sanctuary.

Sec. 4. It is unlawful to trap, hunt, shoot or otherwise kill or capture, or to attempt to trap, shoot, kill or capture any wild bird or wild fowl within the bird sanctuary established by this act. Violation of this section is a misdemeanor punishable by imprisonment for not more than 30 days or by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).

Sec. 5. The provisions of this act are enforceable by the officers of the Wildlife Resources Commission, the Highway Patrol, the Columbus County Sheriff's Department, and any other State and County officers having the power of arrest.

Sec. 6. This act is effective upon ratification, but Section 4 shall be enforceable only after bird sanctuary signs have been erected as provided by Section 3.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

S.B. 276 **CHAPTER 249**

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES TO ALLOW A SIGN TO DESIGNATE A SINGLE HANDICAPPED PARKING SPACE.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 20-37.6(d) is amended by deleting the language after "R7-8" and substituting:

"for multiple parking spaces as shown in the Manual on Uniform Traffic Control Devices, or sign R7-8a for single parking spaces as shown in the N. C. Department of Transportation Supplement to the Manual on Uniform Traffic Control Devices."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

S.B. 419 **CHAPTER 250**

AN ACT TO ALLOW A PROSECUTOR TO ENTER A DISMISSAL WITH LEAVE FOR NONAPPEARANCE WHEN A DEFENDANT CANNOT BE FOUND TO SERVE AN ORDER FOR ARREST AFTER THE GRAND JURY HAS INDICTED HIM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-932(a) is rewritten to read:

"(a) The prosecutor may enter a dismissal with leave for nonappearance when a defendant:

(1) Cannot be readily found to be served with an order for arrest after the grand jury has indicted him; or

(2) Fails to appear at a criminal proceeding at which his attendance is required, and the prosecutor believes the defendant cannot be readily found."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

S.B. 435 **CHAPTER 251**

AN ACT TO ALLOW PHYSICIANS PRACTICING PSYCHIATRY AND LICENSED PSYCHOLOGISTS TO FORM PROFESSIONAL CORPORATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 55B-14 is amended by changing the period at the end of the sentence to a semicolon and adding a new phrase to read:

"and provided further, that a professional corporation may be formed by a licensed psychologist and a physician practicing psychiatry to render psychotherapeutic and related services."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

H.B. 386 **CHAPTER 252**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GARNER TO PERMIT THE COLLECTION OF MONEY INSTEAD OF REQUIRING LAND DEDICATION FOR RECREATIONAL PURPOSES AND FOR SIDEWALKS.

The General Assembly of North Carolina enacts:

Section 1. Article VI of the Garner Town Charter, as set forth in Section 1 of Chapter 333 of the Session Laws of 1977 is amended by adding two new sections to read:

"Section 6.6. Fees in lieu of recreation facilities. The Board of Aldermen may establish a fund into which payments from developers or property owners may be deposited for the purpose of providing recreational areas or facilities and from which appropriations shall be made exclusively for the purpose of acquiring or improving recreational areas or facilities that are reasonably expected to benefit or serve the residents of the development generating such funds. The Board may provide in its Land Use Ordinance that all developers or developers of certain types of projects shall either provide recreation areas or facilities according to standards set forth in the ordinance or pay a fee in accordance with a town established schedule to the town's recreational areas and facilities fund. The Board may also provide in its Land Use Ordinance that under specified circumstances such fees shall be required in lieu of reservation or dedication of recreation areas or facilities.

Section 6.7. Fees in lieu of sidewalks. The Board of Aldermen may establish a fund into which payments from developers or property owners may be deposited for the purpose of providing sidewalks and from which appropriations shall be made exclusively for the purpose of providing or improving sidewalks that are reasonably expected to benefit or serve the residents of the development generating such funds. The Board may provide in its Land Use Ordinance that all developers or developers of certain types of projects shall either provide sidewalks according to standards set forth in the ordinance or pay a fee in accordance with a

town-established schedule to the town's sidewalk fund. The Board may also provide in its Land Use Ordinance that under specified circumstances such fees shall be required in lieu of the provision of sidewalks."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

H.B. 395 **CHAPTER 253**

AN ACT TO REVISE THE CHARTER OF THE TOWN OF HOOKERTON.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Hookerton is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF HOOKERTON.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Sec. 1.1. (a) The Town of Hookerton and the inhabitants thereof shall continue to be a municipal body politic and corporate under the name and style of the 'Town of Hookerton', hereinafter referred to at times as the 'Town'.

(b) The Town shall have all the powers, duties, rights, privileges and immunities which are now or hereafter may be conferred, either expressly or by implication, upon the Town specifically or upon towns generally by this Charter, by the Constitution or by general or local act.

"ARTICLE II. CORPORATE BOUNDARIES.

"Sec. 2.1. Until changed in accordance with law, the corporate boundaries of the Town of Hookerton are as follows:

BEGINNING at the mouth of Rainbow Branch at Contentnea Creek and runs thence up Rainbow Branch S 33°-46'-00" W 292.633 feet, S 16°-34'-31" W 148.264 feet, S 86°-30'-55" W 145.373 feet, S 63°-09'-07" W 174.096 feet, S 10°-40'-34" W 148.837 feet to the center of a concrete bridge and the centerline of North Carolina Secondary Road 1438; thence, continuing up the run of Rainbow Branch S 39°-52'-15" E 192.467 feet, S 76°-52'-41" W 77.329 feet, S 81°-43'-04" W 152.823 feet to a concrete monument; thence, leaving Rainbow Branch, S 00°-24'-01" E 727.957 feet to a concrete monument; thence N 89°-37'-57" E 299.984 feet to a concrete monument; thence S 00°-22'-43" E 588.559 feet to a concrete monument in the northern line of Greene Street; thence with the northern line of Greene Street S 88°-21'-49" W 109.979 feet to a concrete monument; thence with the western line of Seventh Street S 00°-00'-28" W 986.545 feet to a concrete monument; thence with the south line of Stephenson Street N 89°-09'-59" E 200.003 feet to a concrete monument; thence S 00°-47'-46" W 501.378 feet to a concrete monument; thence the same course continued S 00°-47'-46" W 10.000 feet to an oak tree; thence N 89°-11'-41" E 10.000 feet to a concrete monument; thence the same course continued N 89°-11'-41" E 489.258 feet to a concrete monument in the western line of Kinston Street; thence with the western line of Kinston Street S 00°-49'-09" W 500.240 feet

to a concrete monument, said monument being located N 04°-21'-09" W 687.817 feet from a concrete monument marking North Carolina Geodetic Survey Station *Beamon;* thence crossing Kinston Street S 86°-17'-51" E 52.444 feet to a concrete monument; thence S 89°-34'-11" E 347.643 feet to an iron pipe; thence N 00°-51'-43" E 1509.598 feet to an iron pipe at the southeastern corner of Fourth Street and Ormond Street intersection; thence S 86°-31'-53" E 652.649 feet to a concrete monument in an old railroad bed; thence N 17°-10'-12" E 654.934 feet with railroad bed to a concrete monument; thence N 84°-08'-24" E 717.468 feet to a concrete monument; thence N 15°-19'-28" E 347.903 feet to a brass cap set in the centerline of North Carolina Secondary Road 1430; thence N 04°-01'-21" E 1122.313 feet through a pond to a concrete monument; thence N 03°-38'-23" W 112.285 feet to a concrete monument, said monument being located S 56°-35'-15" E 132.142 feet from North Carolina Geodetic Survey Station *Pittman;* thence N 02°-35'-03" W 263.011 feet to a railroad spike set in the southeastern line of Main Street; thence crossing Main Street N 02°-35'-03" W 253.973 feet to a concrete monument; thence N 02°-35'-03" W 430.505 feet to a concrete monument on the bank of Contentnea Creek; thence up Contentnea Creek as defined by the following meander courses: S 42°-19'-31" W 892.364 feet, S 87°-40'-58" W 1510.092 feet, N 56°-54'-23" W 286.487 feet to the point of beginning according to a survey entitled *Corporate Limits Survey, Town of Hookerton* dated December 19, 1983 by McDavid Associates, Inc., and recorded in Map Book 22 page 232 Greene County Registry.

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS.

"Sec. 3.1. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided by law all powers of the Town shall be vested in a Board of Commissioners, consisting of four members and a Mayor, nominated and elected from the Town at large in the manner provided by this Charter. The term of office of the Mayor and the Board of Commissioners shall be as hereinafter provided and until their successors are elected and qualified. If a vacancy occurs in the office of Mayor or Commissioners, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the Board of Commissioners.

The Mayor and each member of the Board of Commissioners shall receive a salary, the amount of which shall be prescribed by ordinance, in accordance with G.S. 160A-64.

"Sec. 3.2. Board of Commissioners - Rules. The Board shall determine its own rules and order of business. The rules of the Board of Commissioners shall provide that citizens of the Town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

"Sec. 3.3. Mayor. In time of public danger or emergency, the Mayor shall, if so authorized and directed by vote of the Board of Commissioners, take command of the police, maintain order and enforce the law.

"Sec. 3.4. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the Board of Commissioners only in written or printed form. Ordinances making

appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Board of Commissioners. The enacting clause of all ordinances shall be 'BE IT ORDAINED BY THE TOWN OF HOOKERTON'.

"Sec. 3.5. When Ordinances and Resolutions Take Effect - Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of Town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this Charter, all other ordinances and resolutions passed by the Board of Commissioners shall take effect at the time indicated therein, but not less than 10 days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health, or safety in which the emergency claimed is set forth and defined in the preamble thereto.

No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared as an emergency by the Board of Commissioners except as defined in this section, and it is the intention of this Charter that such definition shall be strictly construed by the Courts.

"Sec. 3.6. Elections. Elections in the Town of Hookerton shall be conducted in accordance with Subchapter IX of Chapter 163 of the General Statutes, and the results determined by the nonpartisan plurality method in accordance with G.S. 163-292.

A Mayor shall be elected in 1985 and biennially thereafter for a two-year term. Two Commissioners shall be elected in 1985 and quadrennially thereafter for four-year terms, and two Commissioners shall be elected in 1987 and quadrennially thereafter for four-year terms.

"ARTICLE IV. MISCELLANEOUS.

"Sec. 4.1. Police Jurisdiction. The Town of Hookerton Police shall have jurisdiction to make arrest and investigations anywhere within the confines of Hookerton Township.

"Sec. 4.2. Appointment of Boards, Committees, and Commissions. The Board of Commissioners shall have authority to appoint various Boards, Committees, and Commissions, deemed necessary to conduct the business of the Town and its various departments and shall have the power to direct and control their activities and to set salaries for their services, not inconsistent with the general laws of the State of North Carolina."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Hookerton and to consolidate herein certain acts concerning the property, affairs and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. Chapter 1020, Session Laws of 1973 is repealed, except for Section 27 of that act, which is not repealed.

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way, any rights or interest (whether public or private):

(1) now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act; or

(2) derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal of any act repealing such law, or

(2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the Town of Hookerton and all existing rules or regulations of departments or agencies of the Town of Hookerton not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Hookerton or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

H.B. 538 **CHAPTER 254**

AN ACT TO AUTHORIZE AN ELECTION IN THE ELLENBORO FIRE PROTECTION DISTRICT IN RUTHERFORD COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 69-25.1 is amended by rewriting the first sentence thereof to read as follows:

"Upon the petition of thirty-five percent (35%) of the resident freeholders living in the Town of Ellenboro and any unincorporated area adjacent thereto, which area is described in the petition and set out in Section 1.1 of this act and designated as the Ellenboro Fire Protection District, the Board of County Commissioners of Rutherford County shall call an election in said district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on all taxable property in said district of not exceeding ten cents (10¢) on the one hundred dollar ($100.00) valuation of property, for the purpose of providing fire protection in said district."

Sec. 1.1. For the purpose of Section 1 of this act, the boundaries of the proposed Ellenboro Fire Protection District are: Beginning at a point (1) on US 74 Bus. in a Westerly direction .5 mile from intersection of Rd.1913 and US 74 Bus. all property on south side of US Bus 74 .(2) At intersection of Rd. #1576 and Bus 74 West in northerly direction all property on east side of Rd. 1576 to the intersection of Rd. #1595 for .8 miles including East High School and Concord Church .(3) At intersection of Roads 1595 and 1576 going in a Northeasterly direction to point (4) which is .1 mile north of Seaboard overpass on Road 1574 at north end of computer building. From point (4) in Northeasterly direction to point (5) on Road 1574 .1 mile Southwest of intersection of Roads 1574 and 1571 at Doyle Medford property line. Going in Northly direction to point (6) on Terry Road #1566 .4 mile from intersection of Roads #1566 and 1574 in a Southwesterly direction on Road #1574 to Duke Power pole #6. From Point (6) on Road #1574 in Northeasterly direction to Piney Mountain Rd. #1007 1.1 miles from intersection of Roads #1007 and Coyte Rd. #1768 in Northwesterly direction to Point (7). Going in a Northeasterly direction to intersection of Roads #1770 (Walls Church Rd.) and #1790 is Point (8). Going in Northerly direction on Road #1794 .9 mile from intersection of Roads #1794 and 1770 is Point (9) and is .1 mile South of Intersection of Raods #1794 and 1769. Going in a Southeasterly direction to a bridge and trash dump on dirt road #1787 .6 mile from intersection of Roads #1767 and 1787 in northerly direction, is point (10). At intersection of Roads #1749 and 1787 in westerly direction .3 mile on (dirt road) #1787 is Point (11). Point (12) is at intersection of Roads #1786 and 1749 .4 mile on #1749 north of Hopewell Church. Point (13) at intersection of Road #1749 and 1760 east on 1760 .4 miles. Point (14) is running in a Southeasterly direction to intersection of Roads #1762 and 1763. From point (14) is 5 miles from Ellenboro Fire Dept. on Rd. #1762 (New) House Rd.) Going in a Southerly direction from intersection of Roads #1762 and 1763 following West side of Sandy Run Creek to Cleveland County line is Point

(15). From the Intersection of Roads #1762 (New House Rd.) and 1793 (Dobbins Church Rd.) .6 mile to Cleveland County Line in Easterly direction is Point (16). At intersection of Roads #1762 and 1779 (dirt road) going in Northeasterly direction .8 mile to Cleveland County Line behind Dobbins Church on Road #1779 is Point (17). At intersection of US Bus. 74 East and Rd. 1784 (Campfield Rd.) in Northeasterly direction 1 mile to Cleveland County Line is Point (18). In a Southeasterly direction on US74 Business East 2 ½ miles to Cleveland County Line is Point (19). Going in an Easterly direction from the intersection of 6 Points Road #1921 and Webb Church Road #1982 3.2 miles to Cleveland County Line on Road #1982, is point (20). Point (21) beginning on NC 120 at Cleveland County Line going in a Southwesterly direction to Us 74 Bypass .8 mile is Point (22). East on US 74 Bypass .2 miles to Cleveland County Line is Point (23). Beginning at intersection of NC120 South and Road #1926 in Southeasterly direction to intersection of Roads #1925 and 1926 then northerly on 1925 to Cleveland County line for .3 mile is Point (24). From intersection of Roads #1925 and 1926 in Southwesterly direction on #1925 .3 mile to home of Mark Franklin is Point (25). NC120 in Southwesterly direction from US 74 Bypass 1.4 miles to Cliffside Fire District and 6 Points is Point (26). From Ellenboro Fire Department on 6 Points Road #1921 in a southeasterly direction 3.4 miles to Intersection of NC120 at 6 Points and Cliffside Fire District is Point (27). In a Westerly direction following existing Ellenboro-Cliffside Fire District Lines to Colfax Township line is Point (28). In Northerly direction to where Road #1923 intersects with Colfax Township lines is Point (29). Then in Northwesterly direction to where Road 1920 (The Ellenboro-Henrietta Road) intersects with Colfax Township line is Point (30). Then in a Northwesterly direction to where it intersects with Road 1935 is Point (31). Then Westerly to Broad River is Point (32). Then following Broad River in Northwesterly pattern to where hwy. 74 bypass crosses Broad River is Point (33). Then in Northwesterly direction including Piney Ridge Nursery then to where it intersects Road 1914 .5 miles West of Intersection of Roads #1913 and 1914 and Boundary of Bostic Fire District is Point (34). Then in Northerly direction to the beginning Point (1).

Sec. 2. G.S. 69-25.7 is amended by rewriting the same to read as follows:

"The special fund provided by the tax herein authorized shall be administered to provide fire protection as provided in G.S. 69-25.5 by a Fire Protection District Commission of three qualified voters of the district to be known as the Ellenboro Fire Protection District Commission. One district commissioner shall be appointed by the Board of County Commissioners, one by the Ellenboro Governing Board, and the other shall be selected by the Board of Directors or by open meeting of the membership of the Ellenboro Fire Department. One member of the initial commission shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. As the terms of the initial members expire, their successors shall be appointed for three-year terms. The Fire District Commission shall select its own chairman."

Sec. 3. G.S. 69-25.14 and G.S. 69-25.15 are repealed.

Sec. 3.1. G.S. 69-25.10 is amended by deleting "fifteen percent (15%)", and substituting "thirty-five percent (35%)", and deleting "two years", and substituting "three years".

Sec. 3.2. The second sentence of G.S. 69-25.1 is amended by deleting "two years", and substituting "three years".

Sec. 4. This act shall apply only to the area of Rutherford County described in Section 1.1 of this act.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

H.B. 599 **CHAPTER 255**

AN ACT TO ESTABLISH A SUPPLEMENTAL PENSION FUND FOR FIREMEN IN THE CITY OF MAYODAN.

The General Assembly of North Carolina enacts:

Section 1. There is established a Supplemental Pension Fund for the Fire Department of the City of Mayodan to be known as the "Mayodan Firemen's Supplemental Pension Fund", hereinafter referred to as "Supplemental Pension Fund", and to be administered by a board composed of the members of the trustees of the Firemen's Relief Fund of the City of Mayodan, established in accordance with G.S. 118-6.

Sec. 2. Notwithstanding the provisions of G.S. 118-7, all funds in the Firemen's Relief Fund of the City of Mayodan in excess of five thousand dollars ($5,000) shall be transferred to the "Supplementary Pension Fund" prior to January 1, 1985, and prior to January 1 of each calendar year thereafter, so as to retain in the Firemen's Relief Fund an amount of money not greater than five thousand dollars ($5,000); provided, however, the Firemen's Relief Fund shall have restored the sums from recurring annual receipts as are necessary to maintain a fund of not less than five thousand dollars ($5,000); provided further, of the funds and subsequent recurring increments transferred from the Firemen's Relief Fund of the City of Mayodan to the "Supplemental Pension Fund", any or all of the same shall be retrievable by and to the Firemen's Relief Fund of the City of Mayodan in order to defray and meet the legitimate claims accruing under the provisions and coverage of the Firemen's Relief Fund of the City of Mayodan.

Sec. 3. Any person who is a member of the Mayodan Fire Department, or a retired member of the Mayodan Fire Department, as shown by the records of the City of Mayodan at the time of ratification of this act, or any person who becomes a member, or any fireman of the City of Mayodan who has become totally and permanently disabled and who has served as a fireman of the City of Mayodan for five or more years, is eligible for benefits from the "Supplemental Pension Fund"; provided that the person has been retired as a member of the Mayodan Fire Department under the provisions of the North Carolina Firemen's and Rescue Squad Workers' Pension Fund as set out in Article 3, Chapter 118 of the General Statutes of North Carolina and as participated in by the City of Mayodan, or as a voluntary member of the Fire Department of

the City of Mayodan, or has left service because of the total and permanent disability described in this section. This act does not modify or alter in any way the Worker's Compensation Laws of this State.

Sec. 4. Any member who has served 20 years as a fireman in the Mayodan Fire Department and has attained the age of 55 or who has served for five or more years and has become totally and permanently disabled is entitled to receive a monthly pension from the "Supplemental Pension Fund". No pensions paid to any member shall exceed six hundred dollars ($600) per year. If, for any reason, the Fund shall be insufficient to pay in full any pension benefits, or other charges, then all benefits shall be reduced pro rata for as long as the deficiency in amount exists. No claim shall accrue with respect to any amount by which a benefit payment shall have been reduced.

Sec. 5. The Treasurer of the Board of Trustees of the Mayodan Firemen's Relief Fund shall, from time to time, pay to the city clerk sufficient funds from the "Supplemental Pension Fund" to pay the beneficiaries on the first day of each and every month any monies the beneficiaries are entitled to under the provisions of this act.

Sec. 6. The Treasurer of the Firemen's Relief Fund of the City of Mayodan, as custodian of the "Supplementary Pension Fund", shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina as surety in a sum equal to the maximum amount estimated by the board of trustees as likely to be in his possession as custodian at any time within the fiscal year for which the bond is given. This bond is in lieu of the bond required by G.S. 118-6. The condition of the bond shall be that the custodian shall faithfully receive, keep, disburse, and account for, as provided in this act, all funds and property coming into his hands as custodian, and the premiums on the bond shall be paid by the City of Mayodan.

Sec. 7. The custodian of the "Supplemental Pension Fund" shall invest all monies coming into his possession belonging to the "Supplemental Pension Fund", except so much as the board of trustees from time to time determine is reasonably necessary for the prompt payment of claims and expenses, in securities as the board of trustees shall select. These securities shall be limited to those named in or authorized by either G.S. 159-30 or G.S. 159-31. Investments in certificates of deposit or time deposits in any bank or trust company or savings and loan associations shall not exceed the amount insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, unless these deposits or investments in shares are secured in the manner provided by G.S. 159-30 or G.S. 159-31.

Sec. 8. The board of trustees may accept any gift, grant, bequest, or devise or any real or personal property or other instrument of value for the use of "Supplementary Pension Fund".

Sec. 9. All laws and clauses of laws in conflict with the provisions of this act are repealed.

Sec. 10. None of the provisions of this act shall create a liability for the Mayodan Firemen's Supplemental Pension Fund unless sufficient current assets are available in the Fund to pay fully for the liability.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

H.B. 633 **CHAPTER 256**

AN ACT TO ALLOW THE BLADEN AND WAKE COUNTIES BOARD OF COMMISSIONERS TO REDUCE THE PETITION REQUIREMENT FOR ANNEXATION TO A FIRE DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 69-25.11(1) is amended by adding the following immediately before the period at the end:

"; provided that the board of county commissioners of a county may, by ordinance, lower the requirement of a two-thirds majority of the owners to some lesser number, but no less than a majority of the owners, under the following conditions:

a. such lower requirement may only apply if all of the territory to be included within the fire protection district is within one mile of the boundaries of the fire protection district at the time the application is received; and

b. such ordinance may only be adopted, amended, or repealed after a public hearing before the board of county commissioners, notice of which is given by publication not more than 30 nor less than 14 days before the hearing in a newspaper having general circulation in the district."

Sec. 2. This act applies to Bladen and Wake Counties only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

H.B. 704 **CHAPTER 257**

AN ACT TO PERMIT THE DRIVERS OF ANTIQUE CARS NOT TO DISPLAY THE CURRENT REGISTRATION PLATE UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-63(d) is amended by adding a new sentence at the end to read:

"Any motor vehicle of the age of 35 years or more from the date of manufacture may bear the license plates of the year of manufacture instead of the current registration plates, if the current registration plates are maintained within the vehicle and produced upon the request of any person."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

H.B. 742 **CHAPTER 258**

AN ACT TO PERMIT THE SECRETARY OF REVENUE TO DELEGATE THE AUTHORITY TO HOLD HEARINGS REQUIRED OR ALLOWED UNDER CHAPTER 105, TAXATION.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Subchapter I, Chapter 105 of the General Statutes, is amended by adding a new section, immediately after G.S. 105-260, to read as follows:

"§ 105-260.1. *Delegation of authority to hold hearings.*—The Secretary of Revenue may delegate to a Deputy or Assistant Secretary of Revenue the authority to hold any hearing required or allowed under this Chapter."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.

S.B. 403 **CHAPTER 259**

AN ACT TO REPEAL THE REQUIREMENT THAT THE LEGISLATIVE SERVICES COMMISSION APPOINT AN INDEPENDENT AUDITOR FOR EXPENDITURES UNDER THE NORTH CAROLINA ELECTION CAMPAIGN FUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.43(c) and (d) are repealed.

Sec. 2. The catch line of G.S. 163-278.43 is amended by deleting "audits;".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1985.

H.B. 71 **CHAPTER 260**

AN ACT TO ALLOW COUNTIES TO ISSUE VOTER REGISTRATION CARDS, AND SET MINIMUM STANDARDS FOR SUCH CARDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-67 is amended by adding a new subsection to read:

"(e) With the approval of the board of county commissioners, the county board of elections may issue to each voter in the county a voter registration card. At a minimum, the voter registration card shall:

(1) List the voter's name, address and polling place;
(2) Contain the address and telephone number of the county board of elections, along with blanks to report a change of address within the county; and
(3) Be wallet size.

No voter registration card may be issued by a county board of elections unless the State Board of Elections has approved the format of the card.

If a county board of elections issues voter registration cards, when a voter reports a change of address within the county or when the polling place is changed, the county board of elections shall issue a replacement card to the voter. If a voter returns the card, reporting a change of address within the county, and if that card is signed by the voter, it shall be accepted as a written address change report under G.S. 163-72.2.

The card shall be evidence of registration but shall not preclude a challenge as permitted by law. No county board of elections or municipal board of elections may require that a voter registration card be displayed in order to vote. This subsection does not change voting procedures."

Sec. 2. The State Board of Elections may issue rules to implement this act.

Sec. 3. This act shall become effective September 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of May, 1985.

H.B. 119 CHAPTER 261

AN ACT TO REPEAL THE PARTIAL GASOLINE AND SPECIAL FUELS TAX EXEMPTION FOR ALCOHOL FUELS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-436.1, 105-446.3:1, and 105-449.16(b) are repealed.

Sec. 2. G.S. 105-449.24 is amended as follows:

(1) by deleting the phrase "105-446.3:1," in the first sentence of that section; and

(2) by deleting the second and third sentences of that section.

Sec. 3. G.S. 105-434 is amended by designating the current language in that section as subsection (a) and adding a new subsection to read:

"(b) Exception. The tax levied by subsection (a) does not apply to nonanhydrous ethanol that is not sold or distributed."

Sec. 4. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of May, 1985.

H.B. 269 CHAPTER 262

AN ACT TO AMEND G.S. 20-288(e) RELATING TO DEALER BONDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-288(e) is hereby amended by inserting the words "and Article 15" immediately after the word "Article" in the third sentence and by inserting the words "or Article 15" immediately after the word "Article" in the fifth sentence.

Sec. 2. This act shall become effective on January 1, 1986.

In the General Assembly read three times and ratified, this the 27th day of May, 1985.

H.B. 769 **CHAPTER 263**

AN ACT TO MODIFY THE PROCEDURE FOR THE DELIVERY OF TEMPORARY REGISTRATION CERTIFICATES FOR MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-79.1(c) is rewritten to read:

"(c) Every dealer who issues temporary registration plates or markers shall also issue a temporary registration certificate upon a form furnished by the Division and deliver it with the registration plate or marker to the owner."

Sec. 2. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 27th day of May, 1985.

H.B. 812 **CHAPTER 264**

AN ACT TO EXEMPT PARTNERSHIPS THAT RENDER PROFESSIONAL SERVICES FROM THE REQUIREMENT THAT THEY FILE A CERTIFICATE OF ASSUMED NAME.

The General Assembly of North Carolina enacts:

Section 1. G.S. 66-68(e) is rewritten to read:

"(e) Any partnership engaged in rendering professional services, as defined in G.S. 55B-2(6), in this State, shall be exempt from the requirements of this section if it shall file annually with the licensing board responsible for regulating the rendering of such professional services, or at such intervals as shall be designated from time to time by such licensing board, a listing of the names and addresses of its partners. The listing shall be open to public inspection during normal working hours."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1985.

S.B. 134 **CHAPTER 265**

AN ACT TO AMEND G.S. 159-90 OF THE STATE AND LOCAL GOVERNMENT REVENUE BOND ACT AND G.S. 159-163 RELATING TO REVENUE BOND ANTICIPATION NOTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 159-90, the same being a part of The State and Local Government Revenue Bond Act, is hereby amended (a) by inserting the "a" in parentheses immediately prior to the words "in fixing" at the beginning of said section and (b) by adding the following new subsection:

"(b) In addition to the foregoing provisions of this section, in fixing the details of revenue bonds the State or the issuing municipality, as the case may be, may provide that bonds

(1) may be made payable from time to time on demand or tender for purchase by the owner provided a Credit Facility supports such bonds, unless the Commission specifically determines that a Credit Facility is not required upon a finding and determination by the Commission that the proposed bonds will satisfy the conditions set forth in G.S. 159-86(b);
(2) may be additionally supported by a Credit Facility;
(3) may be made subject to redemption prior to maturity, with or without premium, on such notice and at such time or times and with such redemption provisions as may be stated in the bond order or trust agreement or with such variations as may be permitted in connection with a Par Formula provided in such bond order or trust agreement;
(4) may bear interest, notwithstanding the provisions of G.S. 159-125(a), at a rate or rates that may vary as permitted pursuant to a Par Formula and for such period or periods of time, all as may be provided in the bond order or trust agreement; and
(5) may be made the subject of a remarketing agreement whereby an attempt is made to remarket the bonds to new purchasers prior to their presentment for payment to the provider of the Credit Facility or to the issuing municipality or the State.

No Credit Facility, repayment agreement, Par Formula or remarketing agreement shall become effective without the approval of the Commission.

As used in this subsection, the following terms shall have the following meanings:

'Credit Facility' means an agreement entered into by an issuing municipality or by the State Treasurer on behalf of the State with a bank, savings and loan association or other banking institution, an insurance company, reinsurance company, surety company or other insurance institution, a corporation, investment banker or other investment institution, or any financial institution providing for prompt payment of all or any part of the principal (whether at maturity, presentment for purchase, redemption or acceleration), redemption premium, if any, and interest on any bonds payable on demand or tender by the owner issued in accordance with this section, in consideration of the issuing municipality or the State agreeing to repay the provider of such Credit Facility in accordance with the terms and provisions of such repayment agreement, provided, that any such repayment agreement shall provide that the obligation of the issuing municipality or the State thereunder shall have only such sources of payment as are permitted for the payment of bonds issued under this Article.

'Par Formula' shall mean any provision or formula adopted by the issuing municipality or the State to provide for the adjustment, from time to time, of the interest rate or rates borne by any such bonds so that the purchase price of such bonds in the open market would be as close to par as possible."

Sec. 2. G.S. 159-163 is hereby amended by deleting the last sentence thereof and inserting in lieu thereof the following sentence:

"The provisions of G.S. 159-90(b) shall apply to revenue bond anticipation notes as well as to revenue bonds."

Sec. 3. The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

Sec. 4. Nothing in this act shall be construed to impair the obligation of any bond, note or coupon outstanding on the effective date of this act.

Sec. 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.

S.B. 361 **CHAPTER 266**

AN ACT TO CLARIFY CERTAIN POWERS OF A JOINT MUNICIPAL ELECTRIC POWER WITH RESPECT TO INTEREST ON BONDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 159B-3(2) is amended by adding immediately after the words: "interest on the bonds during the period of construction and for such reasonable period thereafter as may be determined by the issuing municipality or joint agency" the words "(provided that a period of three years shall be deemed to be reasonable for bonds issued to finance a generating unit expected to be operated to supply base load)".

Sec. 2. The third sentence of G.S. 159B-15(a) is amended by adding immediately after the words "with the approval of the issuer" the words ", provided that the issuer or the Local Government Commission may by contract provide for the establishment and revision by an agent from time to time of interest rates on bonds that bear interest at a variable rate".

Sec. 3. G.S. 159B-15(a) is amended by adding a new sentence, at the end, to read: "At the election of a joint agency, any bonds issued and sold in accordance with the provisions of this Chapter may be purchased or otherwise acquired by the joint agency and held by it in lieu of cancellation, and subsequently resold in accordance with the provisions of this Chapter."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.

S.B. 379 **CHAPTER 267**

AN ACT TO PROHIBIT DISCRIMINATION IN THE BUSINESS OF LIFE AND ACCIDENT AND HEALTH INSURANCE AND ANNUITIES AGAINST PERSONS WHO ARE BLIND OR PARTIALLY BLIND OR DEAF OR PARTIALLY DEAF.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-30.3 is amended by designating the present text as subsection (a) and by adding a new subsection to read:

"(b) No insurer shall refuse to insure or refuse to continue to insure an individual, limit the amount, extent, or kind of coverage available to an individual, or charge an individual a different rate for the same coverage, solely because of blindness or partial blindness or deafness or partial deafness. With respect to all other physical conditions, including the underlying cause of the blindness or partial blindness or deafness or partial deafness, individuals who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted individuals or individuals whose hearing is not impaired. Refusal to insure or refusal to continue to insure includes denial by an insurer providing disability insurance on the grounds that the policy defines disability as being presumed in the event that the insured loses his eyesight or hearing: Provided that an insurer providing disability insurance may except disability coverage for blindness, partial blindness, deafness, or partial deafness when those conditions existed at the time the application was made for the disability insurance policy. The provisions of this subsection shall be construed to supplement the provisions of G.S. 58-54.4(7) and G.S. 168-10. This subsection shall apply only to the underwriting of life insurance, accident, health, or accident and health insurance under this Chapter and General Statutes Chapter 57, and annuities."

Sec. 2. This act shall apply to life or accident and health policies, contracts, or certificates, or annuities that are delivered, issued for delivery, or renewed 90 days after the effective date of this act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.

H.B. 271 **CHAPTER 268**

AN ACT TO GIVE LOCAL SCHOOL BOARDS FLEXIBILITY AS TO WHERE THEY MAINTAIN STUDENT RECORDS.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 115C-402 is amended by adding before the final period:

"unless the local board determines that such files may be filed in the central office or other location designated by the local board for that purpose".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.

H.B. 360 **CHAPTER 269**

AN ACT TO REQUIRE THAT WHEN CONDEMNED LAND IS NO LONGER NEEDED IT SHALL FIRST BE OFFERED TO THE OWNER FROM WHOM IT WAS PURCHASED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 40A-10 is rewritten to read:

"§ 40A-10. *Sale or other disposition of land condemned.*—When any property condemned by a condemnor is no longer needed for the purpose for which it was condemned, it may be used for any other public purpose or it may be sold or disposed of in the following manner: The property shall be offered for a reasonable time, to the prior owner of the property, or his heirs, successors, or assigns, provided not more than ten (10) years have lapsed since the property was purchased, at the price paid for the property whether arrived at through negotiation or judgment including the reasonable value of any improvements made on the property, and if this party shall refuse to purchase the property, then it may be sold or disposed of in the manner prescribed by law for the sale and disposition of surplus property."

Sec. 2. This act applies only to Cabarrus County and to any incorporated municipality partly or wholly in Cabarrus County.

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.

H.B. 637 **CHAPTER 270**

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF KINSTON AND THE BOARD OF COUNTY COMMISSIONERS OF LENOIR COUNTY TO CREATE AND FIX THE POWERS OF THE LENOIR COUNTY DEVELOPMENT COMMISSION AND TO APPROPRIATE FUNDS FOR THE EXPENSES THEREOF.

The General Assembly of North Carolina enacts:

Section 1. (a) The City Council of the City of Kinston and the Board of Commissioners of Lenoir County may by joint resolution of said governing bodies, create a commission composed of residents of Lenoir County to be known as the Lenoir County Development Commission. Said commission shall consist of not more than 15 members, eight of whom shall be elected by the Board of Commissioners of Lenoir County and four of whom shall be elected by the City Council of the City of Kinston by a majority vote of the members of each of said governing bodies. Four of the members shall each be elected for a term of one year, four others shall be elected for a term of two years and the remaining four members shall each be elected for a term of three years. At the end of each respective term, the successor to the member whose term is expiring shall

be elected for a term of three years so as to achieve staggered terms and so that not more than four terms shall expire during any current year. Any vacancy in the membership of said commission arising by resignation, death, physical or mental incapacity to perform the duties of the position, or by expiration of term shall be filled by the respective governing body which made the original appointment in the same manner as the original appointment. Nothing herein contained shall be deemed to disqualify any member of the Kinston City Council or Lenoir County Board of Commissioners, or any other official of said county or city, from membership upon the said commission or disqualify any member of the commission from reelection to succeed himself; provided, no member may serve more than two consecutive three-year terms. All terms of presently elected members shall expire September 30, 1985, and reappointment of present members or the appointment of new members for the original staggered terms as herein set forth shall be made not later than October 31, 1985.

(b) The Mayor of the City of Kinston and the Chairman of the Lenoir County Board of Commissioners shall serve as members of the commission during and by virtue of their respective terms and offices as Mayor and Chairman. Additionally, the Mayor and Chairman shall, during their terms on this commission, have the authority to jointly appoint one member to the commission for a term not to exceed three years. Such terms shall begin October 1 of the year of appointment and shall expire on September 30 of the year of expiration. Any vacancy in said appointment shall be filled, if deemed in the best interest of the City, County and Development Commission, by the Mayor and Chairman within 30 days of the occurrence of the vacancy.

Sec. 2. After the original membership of said commission shall have been completed as hereinbefore provided and at the time of the holding of the first meeting, the commission shall by a majority vote select from its membership its own Chairman, Vice-Chairman and Secretary-Treasurer and shall draft and ratify its own bylaws and rules of procedure as well as such statement of policy as in the discretion of the commission should be stated and issued at that time. The commission member who shall be named Secretary-Treasurer shall, in addition to his duties as Secretary, have supervision of all funds administered by the commission. The Executive Director employed by the commission shall have authority to co-sign all checks, drafts, bills of exchange or any and all other negotiable instruments which shall properly be issued by the commission provided, however, such instrument must be co-signed by either the Chairman, Vice-Chairman, or Secretary-Treasurer of the commission. A surety bond may be required of the Executive Director and the Secretary-Treasurer in such amount as shall be required by the commission. A depositary shall be designated by the commission for funds appropriated to it or otherwise made available for its use. No money, property or funds of the commission shall be used directly or indirectly as a subsidy or investment in capital stock or capital assets in any business, industry or business venture.

Sec. 3. The commission shall recruit, assist and encourage agricultural, commercial, industrial, manufacturing, marketing, assembly

and other job-creating or job-retention activities, new business and industrial development based on either local or foreign capital, aid and encourage the location of agricultural, industrial, commercial, assembly, marketing and manufacturing enterprises in Lenoir County, make industrial surveys and undertake or participate in any activity related, necessary or convenient to industrial development in Lenoir County which may be deemed desirable by the commission.

The commission shall have responsibility for and supervision of all authorized and related activities in furtherance of its purposes, the right to employ personnel deemed necessary to plan, coordinate and implement its activities and fiscal responsibility for all funds which shall be appropriated to it by county and city authorities and any and all other funds which may come into its hands. The commission shall be empowered to lease, rent, purchase or otherwise obtain suitable quarters and office space for its development activities; to lease, rent or purchase necessary furniture, fixtures, and equipment for its operation; to purchase advertising space in periodicals which may be selected for that purpose, and to otherwise engage in any and all activities which will promote the commercial, industrial, manufacturing, marketing, retail, agricultural and general economic welfare of Lenoir County as well as full power to exercise any and all proper authority in connection with its purposes not expressly provided herein but authorized by any law now existing, subsequently amended or hereafter enacted. The commission shall furnish to the Board of Commissioners of Lenoir County and the City Council of the City of Kinston at least 45 days prior to July 1 of each year, a proposed budget for the fiscal year commencing on July 1; and, its accounts shall be subject to audit by the auditor of Lenoir County in the same manner as departments of the county government are audited.

Sec. 4. The Board of Commissioners of Lenoir County and the City Council of the City of Kinston may make appropriations annually to defray the proper expenses of the said commission as provided for herein.

Sec. 4.1. If the Lenoir County Development Commission is created under Section 1 of this act, then the joint resolution creating the Commission also abolishes the Industrial-Agricultural Commission of Lenoir County as created under Chapter 801, Session Laws of 1961, as amended, and in that event, the assets and liabilities of the Industrial-Agricultural Commission of Lenoir County shall vest in the Lenoir County Development Commission.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.

H.B. 771 **CHAPTER 271**

AN ACT TO PERMIT CITIES AND COUNTIES TO PROVIDE PUBLIC SERVICES THROUGH CONTRACTS WITH PRIVATE AGENCIES.

Whereas, Article V, Section 2(7) of the Constitution, which became effective in 1973, permits the General Assembly to authorize local

governments to contract with private entities for the accomplishment of public purposes; and

Whereas, the North Carolina Supreme Court, in the 1979 case of Hughey v. Cloninger, held that there must be specific statutory authority for a local government to take advantage of this constitutional provision; and

Whereas, it would be very difficult and cumbersome to amend each relevant section of the General Statutes to specifically authorize private provision of each separate service of city or county government; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-20.1. *Contracts with private entities.*—A city may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the city is authorized by law to engage in."

Sec. 2. Article 23 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-449. *Contracts with private entities.*—A county may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the county is authorized by law to engage in."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.

H.B. 602 CHAPTER 272

AN ACT TO AUTHORIZE MACON AND GRAHAM COUNTIES TO IMPOSE FEES FOR FIRE PROTECTION BASED ON THE VALUE OF IMPROVEMENTS TO REAL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-233 is amended by deleting the last sentence of that section and by adding a new paragraph at the end of the section to read:

"The county may also establish fire districts for insurance grading purposes and may impose annual fire protection fees on real property owners in these districts based on the assessed ad valorem tax value of buildings and other real property improvements located in the district. For the first thirty-five thousand dollars ($35,000) in assessed value of a building or other improvement, the fee shall be four dollars ($4.00) for every seven thousand dollars ($7,000) of assessed value, or fraction thereof. For that part of the assessed value that exceeds thirty-five thousand dollars ($35,000), the fee shall be two dollars and fifty cents ($2.50) for every five thousand dollars ($5,000) in assessed value, or fraction thereof. The total annual fee applicable to a building or other improvement may

not exceed seventy-seven dollars and fifty cents ($77.50). The fees authorized by this section shall be added to the ad valorem taxes due upon a building or other improvement, shall be collected by the county tax collector when he collects ad valorem taxes on the property, and shall be due and payable when ad valorem taxes are due and payable. The fees authorized by this section may be used only to provide fire protection in the district for which the fees are imposed. These fees do not constitute liens on any property."

Sec. 2. This act applies only to Macon and Graham Counties.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1985.

S.B. 274 **CHAPTER 273**

AN ACT TO AMEND ARTICLE 11, G.S. 130A, ENTITLED "SANITARY SEWAGE SYSTEMS".

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-336(b) is amended by adding after the first sentence a new sentence to read as follows:

"No person shall commence or assist in the installation, construction, or repair of a sanitary sewage system, other than a connection to an approved public or community sewage system, or a repair of a sanitary sewage system, which repair is not an expansion or improvement of the system and which is made entirely within the property of the person making or contracting for the repair, unless the improvement permit has been obtained from the local health department."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1985.

S.B. 387 **CHAPTER 274**

AN ACT TO EXEMPT FIRE AND EMERGENCY VEHICLES FROM LIGHT-TRAFFIC ROAD WEIGHT LIMITATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-118(c) is amended by adding a new subdivison (8) to read as follows:

"(8) A firefighting vehicle operated by any member of a municipal or rural fire department in the performance of his duties, regardless of whether members of that fire department are paid or voluntary and any vehicle of a voluntary lifesaving organization, when operated by a member of that organization while answering an official call shall be exempt from such light-traffic road limitations provided by G.S. 20-118(b)(4)."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1985.

S.B. 304 **CHAPTER 275**

AN ACT TO REWRITE THE PROCEDURES UNDER WHICH SHELLFISH LEASE APPLICATIONS ARE DETERMINED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-202(f), (g), and (h) are rewritten to read:

"(f) Within a reasonable time after receipt of an application that complies with subsection (d), the Secretary shall notify the applicant whether he recommends approval, disapproval, or modification of the lease application. In the event the Secretary recommends approval or a modification to which the applicant agrees, the Secretary shall conduct a public hearing in the county where the proposed leasehold lies. The Secretary must publish at least two notices of the intention to lease in a newspaper of general circulation in the county in which the proposed leasehold lies. The first publication must precede the public hearing by more than 20 days; the second publication must follow the first by seven to 11 days. The notice of intention to lease must contain a sufficient description of the area of the proposed leasehold that its boundaries may be established with reasonable ease and certainty and must also contain the date, hour and place of the hearing. The Secretary's recommendation of disapproval shall become the final agency decision of the application unless the applicant requests in writing within 20 days of notice of such action an administrative hearing before the Marine Fisheries Commission.

"(g) Protests to the granting of a proposed lease shall be made either in writing under oath prior to the public hearing held by the Secretary or by testimony under oath during the public hearing. After consideration of the protests and any additional investigations he orders to evaluate the protests, the Secretary shall send to the applicant and protesting parties his final recommendation on the lease application. In the event the Secretary's final recommendation is a modification to which the applicant agrees, the lease applicant must furnish an amended map or diagram before the Secretary's final recommendation can be presented to the Marine Fisheries Commission. In the event the Secretary's final recommendation is inconsistent with a protest, the person filing the protest may request in writing within 20 days of notice of such action an administrative hearing before the Marine Fisheries Commission. The Secretary's final recommendation of disapproval shall become the final agency decision of the application unless the applicant requests in writing within 20 days of notice of such action an administrative hearing before the Marine Fisheries Commission.

"(h) The Secretary shall present all lease applications recommended for approval to the Marine Fisheries Commission for final determination. In addition to his final recommendation, the Secretary shall present the official record of the application as developed pursuant to the requirements of this action. The applicants and persons who protested the application shall be given an opportunity to present oral and written arguments based on the official record. Unless the Marine Fisheries Commission, in its discretion, refers the matter for an administrative hearing, the Marine Fisheries Commission shall determine all lease

applications presented by the Secretary during the public meetings when the matter is presented. The Marine Fisheries Commission, in its discretion, may lease or decline to lease public bottoms in accordance with its duty to conserve the marine and estuarine resources of the State.

More than 20 days prior to an administrative hearing conducted pursuant to this section, the Secretary must publish notice of the hearing in a newspaper of general circulation in the county where the proposed leasehold lies. The hearing shall be conducted in the county where the proposed leasehold lies. Protests to the granting of the proposed lease may be made during the administrative hearing by parties to the hearing, intervening parties, and witnesses for parties. When administrative hearings have been conducted pursuant to this section, the Marine Fisheries Commission shall determine the lease applications during the public meeting when the proposal for decision is presented by the hearing officer(s)."

Sec. 2. G.S. 113-202(j) is amended by rewriting the third sentence to read:

"At the time of making application for renewal of a lease, the applicant must pay a filing fee of fifty dollars ($50.00)."

Sec. 3. G.S. 113-202(b) is amended by adding a new sentence at the end to read:

"The Marine Fisheries Commission may not grant a new lease in an area heavily used for recreational purposes."

Sec. 4. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 111 CHAPTER 276

AN ACT TO ESTABLISH THE TITLE TO CERTAIN LANDS RAISED FROM NAVIGABLE WATERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 146-6 is amended as follows:

(1) by adding a new sentence at the end of subsection (b) to read:

"Title to land so raised, however, does not vest in the State if the land was raised within the bounds of a conveyance made by the State Board of Education, which included regularly flooded estuarine marshlands or lands beneath navigable waters, or if the land was raised under permits issued to private individuals pursuant to G.S. 113-229, G.S. 113A-100 through -128, or both."; and

(2) by adding a new subsection to read:

"(f) Notwithstanding the other provisions of this section, the title to land in or immediately along the Atlantic Ocean raised above the mean high water mark by publicly financed projects which involve hydraulic dredging or other deposition of spoil materials or sand vests in the State. Title to such lands raised through projects that received no public funding vests in the adjacent littoral proprietor. All such raised lands shall remain open to the free use and enjoyment of the people of the State, consistent

with the public trust rights in ocean beaches, which rights are part of the common heritage of the people of this State."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 112 CHAPTER 277

AN ACT TO DECLARE THE EXISTING POLICY OF THE STATE THAT TITLE TO LAND SUBJECT TO PUBLIC TRUST RIGHTS MAY NOT BE ACQUIRED BY ADVERSE POSSESSION.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 1 of the General Statutes is amended by adding a new section to read:

"§ 1-45.1. *No adverse possession of property subject to public trust rights.*—Title to real property held by the State and subject to public trust rights may not be acquired by adverse possession. As used in this section, 'public trust rights' means those rights held in trust by the State for the use and benefit of the people of the State in common. They are established by common law as interpreted by the courts of this State. They include, but are not limited to, the right to navigate, swim, hunt, fish, and enjoy all recreational activities in the watercourses of the State and the right to freely use and enjoy the State's ocean and estuarine beaches and public access to the beaches."

Sec. 2. This act is effective upon ratification and shall not affect pending litigation.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 113 CHAPTER 278

AN ACT TO VALIDATE CONVEYANCES OF CERTAIN MARSHLANDS BY THE STATE.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 146 of the General Statutes is amended by adding a new section to read:

"§ 146-20.1. *Conveyance of certain marshlands validated; public trust rights reserved.*—(a) Validation. All conveyances of swamplands, including regularly flooded estuarine marshlands, that have previously been made by the Literary Fund, the North Carolina Literary Board, or the State Board of Education are declared valid, and the person to whom the conveyance was made or his successor in title is declared to have title to the marshland.

(b) Reservation. Areas of regularly flooded estuarine marshlands within conveyances validated by subsection (a) remain subject to all public trust rights."

Sec. 2. G.S. 105-151.12 is amended by adding a new subsection to read:

"(f) In the case of marshland for which a claim has been filed pursuant to G.S. 113-205, the offer of donation must be made before December 31, 1990, to qualify for the credit allowed by this section."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 115 CHAPTER 279

AN ACT TO PERMIT RESOLUTION OF CLAIMS TO SHELLFISH BEDS BY ISSUING A SHELLFISH LEASE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-206 is amended by inserting a new subsection between subsections (a) and (b) to read:

"(a1) If a claim is based on an oyster or other shellfish grant or a perpetual franchise for shellfish cultivation, the Marine Fisheries Commission, upon the recommendation of the Secretary, may, to resolve the claim, grant a shellfish lease to the claimant for part or all of the area claimed. A shellfish lease granted under this subsection is subject to the restrictions imposed on shellfish leases in G.S. 113-202, except the prohibition against leasing an area that contains a natural shellfish bed in G.S. 113-202(a)(2). This restriction is waived because, due to the cultivation efforts of the claimant, the area is likely to contain a natural shellfish bed."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 464 CHAPTER 280

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE PILOT MOUNTAIN CIVIC AND RECREATION CENTER AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created an authority to be known as the "Pilot Mountain Civic and Recreation Center Authority". The authority shall consist of five persons who qualify as adults living within Pilot, Westfield, South Westfield, Long Hill, Eldora, Siloam and Shoals Townships of Surry County or living within Big Creek, Quaker Gap and Yadkin Townships of Stokes County. The original five members of the authority shall be appointed by the Board of Commissioners of the Town of Pilot Mountain within a period of 90 days from the ratification of this act. At least two of the appointments shall be made from a list of five or more qualified nominees suggested in writing by the Pilot Mountain Foundation, Inc., within 60 days of the ratification of this act. The original appointees shall serve until December 31, 1986, or until their successors are appointed. Not later than November 30, 1986, and at the end of each two years thereafter, the Board of Commissioners of the Town of Pilot Mountain shall appoint or reappoint five members of the authority, at

least two of which shall be selected from a list of five or more qualified nominees submitted in writing by the Pilot Mountain Foundation, Inc., not later than November 1 of such year.

Sec. 2. (a) Within 30 days after the appointment of all the members of said authority, the authority shall hold its first meeting at a place to be designated by the Pilot Mountain Board of Commissioners or the Pilot Mountain Town Manager. At this first meeting of the authority and at the first meeting of each succeeding newly appointed authority, the members of the authority shall elect a chairman, a vice-chairman, and a secretary. The chairman and vice-chairman shall be members of the authority, but the secretary need not be a member of the authority. These officers shall perform the duties usually pertaining to such offices. Elections shall be for a period of one year, but officers may be reelected.

(b) In case of vacancies by resignation or death, the vacancy shall be filled by appointment of the Pilot Mountain Board of Commissioners. If any vacancy shall exist for more than 60 days after notification of the vacancy in writing to the Town Manager or Mayor of the Town of Pilot Mountain, the remaining members of the authority may fill the vacancy for the remainder of the unexpired term.

(c) The authority shall meet at such times and places as may be designated by its chairman. Meetings may also be called at such times and places as may be requested by any three members of the authority. The authority shall adopt such other rules, regulations and bylaws governing the operation of the authority as it shall deem necessary subject to approval of the Town Board of Commissioners. Three members of the authority shall constitute a quorum for the transaction of business. From and after its organizational meeting, the authority shall have the powers and duties herein provided, and as otherwise provided by law.

Sec. 3. The authority may:

(1) Secure by purchase, by gift or by lease from the Town of Pilot Mountain or the Pilot Mountain Foundation, Inc., or from any other source such lands and property in or near Pilot, Westfield, South Westfield, Long Hill, Eldora, Siloam and Shoals Townships of Surry County or in or near Big Creek, Quaker Gap and Yadkin Townships of Stokes County as may, in the judgment of the authority, be most desirable and practical for public recreation, civic and leisure time activities of the citizens and residents of said area.

(2) Construct, maintain or operate upon any property acquired by the authority, suitable facilities related to public recreation, or civic and leisure time activities, provided such construction, maintenance, or operation is not in conflict with the respective instruments under which the authority may have acquired its property rights.

(3) Charge reasonable and lawful fees for the use of its property or facilities by members of the general public.

(4) Lease or sublease to others, both governmental and nongovernmental, such lands or property rights as may be acquired by the authority upon such terms as the authority may deem advisable to promote recreation and leisure time activities of the citizens and residents of said area, provided said leases are lawful and not in conflict with the

provisions of the respective instruments under which the authority acquired its property rights.

(5) Receive public and private appropriations, grants, gifts and bequests for the acquisition, maintenance and operation of its property and programs for the benefit of the citizens and residents of said area.

(6) Employ personnel and purchase supplies and equipment on a cash basis for the implementation and operation of its programs.

(7) Purchase insurance to protect it, and the owners of any property leased to it, against liability and losses.

(8) Enter into agreements with the State of North Carolina or the counties of Surry or Stokes or of agencies or departments thereof for joint use of property, facilities or equipment owned by the authority or by said governments or agencies.

Sec. 4. The Boards of Commissioners of Surry and Stokes Counties and the Town of Pilot Mountain may make appropriations and contributions to the authority for the purpose of helping defray the cost of acquiring, constructing, equipping or operating facilities for recreational, civic and leisure time activities.

Sec. 5. The travel and subsistence expenses incurred by members of the authority while on official business may be reimbursed by the authority.

Sec. 6. All revenues and funds received by the authority shall be applied to the purposes set out in this act.

Sec. 7. The authority shall forward to the Board of Commissioners of the Town of Pilot Mountain the minutes of its meetings.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 466 **CHAPTER 281**

AN ACT TO AUTHORIZE FLEXIBLE PROCEDURES FOR THE DISPOSITION OF REDEVELOPMENT PROPERTY BY THE CITY OF GOLDSBORO.

The General Assembly of North Carolina enacts:

Section 1. Chapter 346, 1973 Session Laws, is amended by rewriting Section 5 of that Chapter to read:

"Section 5. This act shall apply only to the Town of Chapel Hill, the City of Goldsboro, the Town of Princeville, the City of Raleigh, and the Town of Tarboro."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 484 **CHAPTER 282**

AN ACT TO PERMIT THE CITY OF MOUNT AIRY TO DISPOSE OF CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATION AND SALE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Mount Airy may convey by negotiation and private sale all its rights, title and interest to some or all of the real property owned by the City within the Town Woods area, totaling not more than 334.96 acres.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 504 **CHAPTER 283**

AN ACT TO AUTHORIZE THE COUNTY OF WILKES AND THE CITIES OF WILKESBORO AND NORTH WILKESBORO TO APPROPRIATE MONEY TO THE WILKES YMCA.

The General Assembly of North Carolina enacts:

Section 1. The County of Wilkes, City of North Wilkesboro and City of Wilkesboro are authorized to appropriate funds to the Wilkes YMCA for use in a capital improvements program. The amount appropriated may be paid to the Wilkes YMCA over a period of five years.

Sec. 2. This act applies only to Wilkes County, the City of Wilkesboro, and the City of North Wilkesboro.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 553 **CHAPTER 284**

AN ACT TO AMEND MANDATORY REFERRAL LEGISLATION APPLICABLE TO SPECIAL USE PERMITS IN MECKLENBURG COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 416 of the 1973 Session Laws as amended by Chapter 142 of the 1977 Session Laws, is amended by adding the following sentences to the end of Section 1:

"As it applies to Mecklenburg County, project shall not include solid waste disposal facilities or any type of land use for which a special use permit could be issued under the Mecklenburg County Zoning Ordinance. Further, Mecklenburg County is not required to submit to the Charlotte-Mecklenburg Planning Commission for its review any proposed acquisition of real property for or relating to solid waste disposal facilities

or for or relating to any type of land use for which a special use permit could be issued under the Mecklenburg County Zoning Ordinance."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 564 **CHAPTER 285**

AN ACT TO PERMIT THE TOWN OF HOPE MILLS TO LEASE WATER RIGHTS FOR HYDROELECTRIC POWER GENERATION FOR MORE THAN TEN YEARS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S. 160A-272, the Town Board of the Town of Hope Mills may lease town-owned water rights related to the generation of hydroelectric power for terms of more than 10 years employing only the procedures set forth in G.S. 160A-272 for leases of less than 10 years.

Sec. 2. This act shall apply to the Town of Hope Mills only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 586 **CHAPTER 286**

AN ACT TO ALLOW THE TRANSFER OF PERSONAL PROPERTY OF THE TOWN OF BLACK CREEK.

The General Assembly of North Carolina enacts:

Section 1. The Town of Black Creek is authorized to convey fire-fighting equipment and vehicles to the Black Creek Volunteer Fire Department by private negotiation and sale with or without monetary consideration. The requirements of G.S. Chapter 160A, Article 12, shall not apply to such conveyances.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 594 **CHAPTER 287**

AN ACT TO CHANGE THE MANNER OF ELECTION OF THE ONSLOW COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Sections 2 and 3 of Chapter 525, Session Laws of 1977, are rewritten to read:

"Sec. 2. Members shall reside in and represent the several townships of Onslow County, one member being apportioned to each township. In the primary election to be held in Onslow County in 1986, there shall be nominated by each political party in the party primaries at the same time

and in the same general manner as that in which other county officers are nominated, three candidates for nomination as members of the Board of Education of Onslow County. The nominees residing in the Stump Sound Township, Swansboro Township and White Oak Township who shall receive the highest number of votes in the respective primaries shall be declared nominated. The names of the persons so nominated by each political party shall be placed on the official county ballot of Onslow County, and shall be voted upon by the qualified voters of the county at-large in the general election of 1986.

Sec. 3. In the primary election to be held in 1988, there shall be nominated by each political party in the party primaries at the same time and in the same general manner as that in which other county officers are nominated four candidates for nomination as members of the Board of Education of Onslow County. The nominees residing in Jacksonville Township and Richlands Township who shall receive the highest number of votes in the respective primaries shall be declared nominated. The two nominees receiving the next highest number of votes, regardless of the township in which he or she resides shall be declared as nominated. The term of the nominee receiving the least number of votes shall be for two years for the election year 1988 only. The names of the persons so nominated by each political party shall be placed upon the official county ballot of Onslow County and shall be voted upon by the qualified voters of the county at-large in the general election in 1988, and quadrennially thereafter, from the same townships. Members of the Board of Education who are candidates to succeed the members whose terms shall expire shall be elected for a term of four years."

Sec. 2. Chapter 525, Session Laws of 1977, is amended by adding a new section to read:

"Sec. 3.1. Beginning with the primary election in 1990, the term of office for all candidates for the Onslow County Board of Education shall be for four years."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 616 **CHAPTER 288**

AN ACT TO AUTHORIZE CURRITUCK COUNTY TO PLACE OR REQUIRE DEVELOPERS TO PLACE STOP SIGNS AS NEEDED ON STREETS NOT ACCEPTED INTO THE STATE STREET SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-158 is amended by adding a new subsection (e) to read as follows:

"(e) With respect to streets located outside municipalities that have not been accepted into the State street system, counties may exercise the same authority given by this section to the State Department of Transportation with respect to State highways. In addition, counties may require the developers of such streets to install vehicle control signs and

signals along such streets at locations designated by the board of commissioners."

Sec. 2. This act shall apply only to Currituck County.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 626 **CHAPTER 289**

AN ACT CONCERNING DISTRIBUTION OF PROFITS FROM THE WALNUT COVE ABC SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Section 12 of Chapter 832, Session Laws of 1969, as rewritten by Chapter 307, Session Laws of 1973, is amended as follows:

(1) subsection (a) is amended by deleting "Fifty percent (50%)", and substituting "Sixty-four percent (64%)";

(2) subsection (c) is amended by deleting "Thirty-eight percent (38%)", and substituting "Twenty percent (20%)"; and

(3) subsection (d) is amended by deleting "Five percent (5%)", and substituting "Nine percent (9%)".

Sec. 2. This act shall become effective June 30, 1985.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 303 **CHAPTER 290**

AN ACT TO RESTORE TO THE GOVERNOR POWER TO PREPARE AND ADMINISTER THE BUDGETS OF THE STATE TREASURER, STATE AUDITOR, AND ADMINISTRATIVE OFFICER OF THE COURTS, AND CONCERNING APPOINTMENTS TO BOARDS AND COMMISSIONS.

The General Assembly of North Carolina enacts:

Section 1. The last paragraph of G.S. 143-2 is repealed.

Sec. 2. G.S. 143-3.2 is amended by deleting "provided that the State Auditor, State Treasurer, and Administrative Officer of the Courts shall have the exclusive authority to issue all warrants for the operation of their respective department and such warrants shall be paid by the State Treasurer from the appropriations provided therefor; and provided further," and substituting "provided".

Sec. 3. The ninth paragraph of G.S. 143-4 is repealed.

Sec. 4. G.S. 143-23.1 is repealed.

Sec. 5. The fourth sentence of G.S. 143-25 is rewritten to read:

"The Director of the Budget, after consultation with the Advisory Budget Commission, may reduce all of said appropriations pro rata when necessary to prevent an overdraft or deficit to the fiscal period for which such appropriations are made."

Sec. 6. The last sentence of G.S. 143-28 is repealed.

Sec. 7. The last paragraph of G.S. 143-12 is amended by deleting "and shall cause to be submitted therewith such statements of disagreement, and the particulars thereof as the Commission or any of its members," and substituting "and the Commission or any of its members retain the right to submit separately to the General Assembly such statement of disagreement and the particulars thereof as they".

Sec. 8. G.S. 143-23(b) is repealed.

Sec. 9. G.S. 120-121 is amended by adding a new subsection to read:

"(d) Nothing in this section or any other statute precludes any member of the General Assembly from proposing an amendment to any bill making an appointment to a board or commission, or from introducing a bill to make an appointment to a board or commission, where an appointment by the General Assembly is authorized by law."

Sec. 10. Sections 1 through 8 of this act shall become effective July 1, 1985. The remainder of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1985.

H.B. 642 **CHAPTER 291**

AN ACT TO AUTHORIZE THE TOWN OF PILOT MOUNTAIN TO UNDERTAKE RECREATION PROGRAMS BY CONTRACT.

The General Assembly of North Carolina enacts:

Section 1. In addition to the authority granted under Article 18 of Chapter 160A of the General Statutes, the Recreation Enabling Law, the Town of Pilot Mountain (the "Town") is authorized to establish and support recreation programs and activities by contract with any other governmental agency, or with any public or nonprofit private association, corporation or organization, so long as such programs and activities are open to the public. The Town may also appropriate funds to any such governmental agency, or to any such public or nonprofit private association, corporation or organization, for the purpose of establishing and supporting such recreation programs and activities.

Sec. 2. As used in this act, "establish and support" includes but is not limited to: acquisition, construction and renovation of facilities and improvements, including the acquisition of land and other property; acquisition, lease or purchase of materials and equipment; compensation and provision of personnel; and provision of any operating and maintenance expenses of the programs, activities, or facilities.

Sec. 3. In the event funds appropriated for the purposes of this act are turned over to any agency or organization other than the Town for expenditure, no such expenditure shall be made until the Town Board of Commissioners has approved it, and all such expenditures shall be accounted for by the agency or organization at the end of the fiscal year for which they were appropriated.

Sec. 4. For the purposes set forth in this act, the Town may appropriate funds not otherwise limited as to use by law.

Sec. 5. Any contract entered into under the authority of this act may include provisions obligating the Town to construct specified facilities and

improvements, and assume the costs of specified activities and functions, and such contract provisions shall not be construed to constitute an impermissible delegation or contracting away of the legislative discretion of the Town Board of Commissioners.

Sec. 6. Any contract entered into under the authority of this act may include a provision requiring the Town to reconvey to the other party any real property originally acquired from the other party pursuant to the contract, in the event that such reconveyance is requested by the other party in writing. Such reconveyance by the Town is hereby authorized, with or without consideration, if the other party agrees to reconvey the property to the Town or any authority established to operate the recreation programs and activities, under specified conditions or upon written request of the Town. The provisions of Article 12 of Chapter 160A of the General Statutes shall not apply to any such reconveyance by the Town.

Sec. 7. If the General Assembly does not do so by local act, the Town is authorized to establish by ordinance a public authority, to be known as the "Pilot Mountain Civic and Recreation Center Authority", to receive leases for properties subject to a contract entered into under this act, and other properties, and to hold, operate, develop and maintain such properties for recreation and leisure time activities by citizens of Pilot Mountain and the surrounding areas of eastern Surry and western Stokes Counties. The Authority is to be composed of five members appointed by the Town Board of Commissioners, at least two of which shall be appointed from a list of five or more nominees submitted in writing by the Pilot Mountain Foundation, Inc. The Chairman of the Authority Board of Directors shall be elected by and from the members of the Board of Directors. The Town ordinance may grant such powers and duties to the Authority as deemed appropriate, and shall provide for termination of the Authority.

Sec. 8. The definition of "governmental unit" contained in G.S. 160A-274 shall include the Pilot Mountain Civic and Recreation Center Authority. The provisions of Article 12 of Chapter 160A of the General Statutes, with the exception of G.S. 160A-274, shall not apply to property subject to a contract entered into under the authority of this act.

Sec. 9. This act shall apply to the Town of Pilot Mountain only.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 668 **CHAPTER 292**

AN ACT TO PERMIT THE CLINTON BOARD OF ALCOHOLIC CONTROL TO CONTRACT WITH THE CITY OF CLINTON FOR ALCOHOL BEVERAGE CONTROL LAW ENFORCEMENT SERVICES AND TO EXTEND THE ENFORCEMENT AREA TO SIX MILES AROUND THE CITY OF CLINTON.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 160A-286 is rewritten to read:

"In addition to their authority within the corporate limits, city policemen shall have all the powers invested in law enforcement officers by statute or common law within one mile of the corporate limits of the city, and six miles of the corporate limits of the city when enforcing alcohol beverage control laws, and on all property owned by or leased to the city wherever located."

Sec. 2. The first paragraph of Section 6 of Chapter 1191 of the 1957 Session Laws is amended by adding a new sentence to read:

"Nothing contained in this act shall prevent the City Board of Alcoholic Control from entering into a contract with the City of Clinton, in the manner set forth in G.S. 18B-501(f), and all provisions of G.S. 18B-501(f) are incorporated into this section."

Sec. 3. This act applies to Sampson County only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 794 **CHAPTER 293**

AN ACT TO PERMIT THE TOWN OF BEAUFORT TO REGULATE THE POSSESSION OF BEER AND UNFORTIFIED WINE BY ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-300(c) is amended by adding immediately after the word "consumption" the words "or possession".

Sec. 2. This act applies to the Town of Beaufort only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

H.B. 480 **CHAPTER 294**

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILSON TO INCLUDE WITHIN THE BOUNDARIES OF THE CITY OF WILSON AN AREA KNOWN AS NEWTON PARK.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Wilson being Chapter 136, Session Laws of 1969, is amended by adding a new section to read:

"Sec. 2.3. *Additional Corporate Boundaries.* The following described property is included in the boundary of the City of Wilson, commonly known as Newton Park and more particularly described as follows:

BEGINNING at a point in the eastern right-of-way of Nash Road (NC Hwy 58) said point being located where the southern right-of-way of Airport Road (SR 1320) would intersect the western right-of-way of Nash Road if extended; thence from said point of beginning with and along the southern right-of-way of Airport Road S. 46 deg. 56 min. 35 sec. W. 109.80 feet, S. 44 deg. 10 min. 35 sec. W. 100.35 feet, S. 40 deg. 06 min. 51 sec. W. 69.12 feet, S. 38 deg. 00 min. 15 sec. W. 437.93 feet, S. 37 deg. 46 min. 10 sec. W. 190.23 feet, S. 39 deg. 25 min. 32 sec. W. 50.01 feet, S. 40 deg. 39 min. 06 sec. W. 33.59 feet, S. 41 deg. 38 min. 30 sec. W. 45.42 feet, S. 43 deg. 56 min. 38 sec. W. 50.88 feet, S. 45 deg. 29 min. 56 sec. W. 52.82 feet to a point in the property of Summerfield Subdivision, the property of Don Lamm and the existing corporate limits of the City of Wilson; thence with and along the existing corporate limits line crossing said Airport Road N. 40 deg. 08 min. 20 sec. W. 60.26 feet to the northern right-of-way of Airport Road; thence with and along the northern right-of-way of Airport Road and the existing corporate limits of the City of Wilson S. 44 deg. 57 min. 55 sec. W. 1.88 feet, S. 47 deg. 34 min. 44 sec. W. 84.94 feet, S. 48 deg. 09 min. 19 sec. W. 88.10 feet to a point; thence leaving said corporate limits N. 30 deg. 56 min. 53 sec. W. 218.76 feet and N. 59 deg. 03 min. 07 sec. E. 100.00 feet to a point in the westerly property line of Bridgers Street; thence with and along the westerly property line of Bridgers Street N. 30 deg. 56 min. 53 sec. W. 67.10 feet to the southerly property line of Irene Drive; thence with and along the southerly property line of Irene Drive N. 73 deg. 11 min. 41 sec. W. 730.04 feet, to the PC of a curve, along the curve arc equals 169.97, radius equals 162.56 feet to the PT of said curve, N. 13 deg. 17 min. 13 sec. W. 2.75 feet to the southwest intersection of Irene Drive and Newton Avenue; thence with and along the southerly right-of-way of Newton Avenue S. 76 deg. 45 min. 08 sec. W. 190.76 feet to the southwest corner of Newton Park; thence along the westerly property line of Newton Park N. 9 deg. 08 min. 38 sec. W 222.34 feet, N. 13 deg. 18 min. 38 sec. W. 446.36 feet, N. 13 deg. 58 min. 05 sec. W. 261.85 feet to the northwest corner of Newton Park; thence with and along the northern property line of Beland Avenue N. 58 deg. 56 min. 12 sec. E. 1570.92 feet to a point where the extension of the northern right-of-way of Beland Avenue would intersect the easterly right-of-way of Nash Road; thence with and along the easterly right-of-way of Nash Road S. 30 deg. 58 min. 25 sec. E. 1592.21 feet to the point of beginning and containing 64.96 acres.

SAVE AND EXCEPT the existing corporate limits at the western intersection of Nash and Airport Roads:

BEGINNING at the intersection of the northern right-of-way of Airport Road as it intersects with the western right-of-way of Nash Road; thence from said point of beginning with and along the right-of-way of Airport Road S. 46 deg. 56 min. 35 sec. W. 63.06 feet to a point; thence S. 44 deg. 10 min. 35 sec. W. 100.00 feet to a point in the southern right-of-way of Airport Road; thence N. 44 deg. 25 min. 25 sec. W. 50.21 feet; thence N. 30 deg. 58 min. 25 sec. W. 104.00 feet; thence N. 59 deg. 01 min. 35 sec.

E. 170.00 feet to a point in the westerly property line of Nash Road; thence with and along the westerly property line of Nash Road S. 30 deg. 58 min. 25 sec. E. 114.00 feet to the point of beginning and containing .516 acres."

Sec. 2. This act is effective upon ratification and the area shall be subject to city taxes being assessed as of January 1, 1985, and the City shall immediately commence to provide all city services to said area according to its existing policies.

In the General Assembly read three times and ratified, this the 31st day of May, 1985.

H.B. 502 **CHAPTER 295**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MONTREAT.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Montreat is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF MONTREAT.
"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. *Incorporation.* The Town of Montreat, North Carolina, in Buncombe County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Montreat', hereinafter at times referred to as the 'Town'.

"Sec. 1.2. *Powers.* The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Montreat specifically by this Charter or upon municipal corporations by general law. The term 'general law' is employed herein as defined in G.S. 160A-1.

"Sec. 1.3. *Corporate Limits.* The corporate limits shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town Clerk and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made, and copies shall be filed in the offices of the Secretary of State, the Buncombe County Register of Deeds and the appropriate board of elections.

"ARTICLE II. MAYOR AND BOARD OF COMMISSIONERS.

"Sec. 2.1. *Governing Body.* The Board of Commissioners, hereinafter referred to at times as the 'Board', shall be the governing body of the Town.

"Sec. 2.2. *Board of Commissioners; Composition; Terms of Office.* The Board shall be composed of three members elected for terms of four years, or until their successors are elected and qualified.

"Sec. 2.3. *Mayor; Term of Office; Duties.* The Mayor shall be elected by the Board from among its membership to serve at its pleasure; shall be the official head of the Town government and preside at meetings of the Board; shall have the right to vote on all matters before the Board, but shall have no right to break a tie vote in which he participated; and shall exercise the powers and duties conferred by law or as directed by the Board.

"Sec. 2.4. *Mayor Pro Tempore.* The Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the other members of the Board.

"Sec. 2.5. *Meetings of the Board.* In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Sec. 2.6. *Ordinances and Resolutions.* The adoption, amendment, repeal, pleading and proving of Town ordinances and resolutions shall be in accordance with general law. All ordinances and resolutions shall be effective upon adoption unless otherwise provided.

"Sec. 2.7. *Voting Requirements; Quorum.* Official actions of the Board and all votes shall be taken in accordance with applicable voting and quorum provisions of general law, particularly G.S. 160A-74 and 160A-75.

"Sec. 2.8. *Compensation; Qualifications for Office; Vacancies.* The compensation and qualifications of the Mayor and Commissioners shall be in accordance with general law. Vacancies that occur in any elective office of the Town shall be filled by appointment of the Board as provided in G.S. 160A-63.

"ARTICLE III. ELECTIONS.

"Sec. 3.1. *Regular Municipal Elections.* Regular municipal elections shall be held in accordance with the uniform municipal election laws of North Carolina. The Commissioners shall be elected by the voters of the Town on an at large basis, by the nonpartisan plurality method of election.

"Sec. 3.2. *Election of the Commissioners.* The Commissioners serving on the date of ratification of this Charter may continue to serve until expiration of their terms, or until their successors are elected and qualified. In the regular municipal ele tion in 1985, and every four years thereafter, there shall be elected three Commissioners to serve as provided in Article II of this Charter.

"Sec. 3.3. *Special Elections and Referendums.* Special elections and referendums may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. *Form of Government.* The Town shall operate under the Mayor-Council form of government, in accordance with G.S. Chapter 160A, Article 7, Part 3.

"Sec. 4.2. *Town Clerk.* The Board shall appoint a Town Clerk to keep a journal of the proceedings of the Board; to maintain in a safe place all

records and documents concerning the affairs of the Town; to give notice of meetings of the Board; and to perform such other duties required by law or as the Board may direct.

"Sec. 4.3. *Town Tax Collector.* The Board shall appoint a Tax Collector to collect all taxes owed to the Town, subject to general law, this Charter and Town ordinances.

"Sec. 4.4. *Town Attorney.* The Board shall appoint a Town Attorney to serve at its pleasure, and to perform such legal duties as directed by the Board.

"Sec. 4.5. *Other Administrative Officers and Employees.* The Board may appoint other officers and employees, and may organize the administrative affairs of the Town as deemed appropriate, subject to the requirements of general law."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Montreat and to consolidate herein certain acts concerning the property, affairs and government of the Town. It is intended to continue without interruption those provisions of prior acts which are expressly consolidated into this act, so that all rights and liabilities which have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify or affect any acts concerning the property, affairs or government of public schools, or any acts validating, confirming, approving or legalizing official proceedings, actions, contracts or obligations of any kind.

Sec. 4. Chapter 836, Session Laws of 1967, is repealed, except that Section 6 of that act is not repealed.

Sec. 5. No provision of this act shall be deemed to affect any rights or interests (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action previously taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law previously repealed expressly or by implication, and no law granting authority which has been exhausted, shall be construed to be revived by any provision of this act.

Sec. 7. All existing ordinances and resolutions of the Town of Montreat and all existing rules or regulations of departments or agencies of the Town not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified or amended.

Sec. 8. No judicial or administrative action or proceeding of any nature pending on the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by the ratification of this act.

Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1985.

H.B. 547 **CHAPTER 296**

AN ACT TO ALLOW MECKLENBURG COUNTY TO APPROPRIATE NON-AD VALOREM TAX FUNDS TO PROMOTE AND FURTHER THE CAROLINAS CARROUSEL.

The General Assembly of North Carolina enacts:

Section 1. The Mecklenburg County Board of Commissioners may appropriate non-ad valorem tax funds to promote and further the Carolinas Carrousel.

Sec. 2. This act applies to Mecklenburg County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1985.

H.B. 558 **CHAPTER 297**

AN ACT TO CHANGE REPORTING REQUIREMENTS OF COMPULSORY SCHOOL ATTENDANCE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-378 is amended by adding the following sentence at the end of the first paragraph:

"The parent, guardian, or custodian of a child shall notify the school of the reason for each known absence of the child, in accordance with local school policy."; and by replacing the first sentence of the fourth paragraph with the following:

"The principal or his designee shall notify the parent, guardian, or custodian of his child's excessive absences after the child has accumulated three unexcused absences in a school year. After not more than six unexcused absences, the principal shall notify the parent, guardian, or custodian by mail that he may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of the State and local boards of education."; and by replacing the first two sentences of the fifth paragraph of the section with the following:

"After 10 accumulated unexcused absences in a school year the principal shall review any report or investigation prepared under G.S. 115C-381 and shall confer with the student and his parent, guardian, or custodian if possible to determine whether the parent, guardian, or custodian has

received notification pursuant to this section and made a good faith effort to comply with the law. If the principal determines that parent, guardian, or custodian has not, he shall notify the district attorney. If he determines that parent, guardian, or custodian has, he may file a complaint with the juvenile intake counselor under G.S. 7A-561 that the child is habitually absent from school without a valid excuse."; and by deleting the number "30" as it appears in the last sentence of the section and replacing it with the number "10".

Sec. 2. This act shall become effective August 1, 1985.

In the General Assembly read three times and ratified, this the 31st day of May, 1985.

H.B. 617 CHAPTER 298

AN ACT TO ANNEX AN AREA TO THE TOWN OF HERTFORD.

The General Assembly of North Carolina enacts:

Section 1. The corporate limits of the Town of Hertford are extended to include the following described areas:

Area No. 1. BEGINNING at a point in the western boundary line of the existing Town of Hertford and running thence North 20° 26′ 20″ West 156.88 feet to a point; thence North 44° 33′ 40″ East 133.3 feet to a point; thence North 45° 29′ 1574.77 feet to a point; thence North 46° 54′ West 125.25 feet to a point; thence North 51° 31′ West 115.83 feet to a point; thence North 56° 27′ 20″ 173.10 feet to a point; thence North 62° 31′ West 171.12 feet to a point; thence North 68° 16′ West 170.76 feet to a point; thence North 74° 28′ 20″ West 178.71 feet to a point; thence North 76° 58′ 40″ West 874.57 feet to a point; thence South 48° 58′ 20″ West 695.88 feet to a point; thence North 40° 46′ 40″ West 262.0 feet to a point; thence North 48° 59′ 20″ East 846.15 feet to a point in the centerline of NC Road No. 1110; thence North 48° 45′ 20″ East 937.70 feet to a point in the centerline of NC Road No. 1109; thence North 44° 07′ 40″ East 1981.55 feet to a point; thence South 42° 41′ 2058.4 feet to a point; thence South 47° 17′ 40″ West 1718.82 feet to a point; thence South 45° 29′ 20″ East 1511.5 feet to a point in the aforesaid Northwest margin of the existing line of the Town of Hertford; thence along said existing boundary 11 calls as follows: South 36° 03′ West 87.0 feet to a point; South 11° 43′ East 91.0 feet to a point; South 35° 35′ 20″ West 126.5 feet to a point; South 44° 51′ 20″ West 127.30 feet to a point in the edge of NC Road No. 1110; South 1° 13′ West 43.0 feet to a point; South 35° 03′ West 95.0 feet to a point; South 24° 24′ West 63.0 feet to a point; South 72° 09′ West 77.0 feet to a point; South 8° 34′ West 43.0 feet to a point; South 76° 26′ West 87.0 feet to a point; and North 55° 56′ 20″ West 56.9 feet to the BEGINNING and containing 146.44 acres and being Area No. 1 as shown on map prepared by S. Elmo Williams, Registered Surveyor on 5 April 1985.

Area No. 2. BEGINNING at a point in the western boundary line of the existing Town of Hertford, said point of beginning being further located North 69° 24′ 40″ West 260.40 feet from the western margin of Highway No. 37, Edenton Road Street and running thence from said point of beginning North 69° 24′ 40″ West 38.71 feet to a point; thence North 73°

42′ 40″ West 262.0 feet to a point; thence North 45° 24′ 40″ West 573.0 feet to a point; thence 24° 42′ 40″ West 826.50 feet to a point; thence North 30° 38′ West 354.80 feet to a point; thence North 47° 58′ 20″ East 327.25 feet to a point; thence North 50° 49′ 20″ East 264.90 feet to a point in the southwest margin of Road No. 1107; thence along the northwest margin of said Road No. 1107 10 calls as follows: North 47° 17′ West 94.32 feet to a point; North 49° 36′ West 425.96 feet to a point; North 48° 38′ 40″ West 300.50 feet to a point; North 47° 29′ 40″ West 150.0 feet to a point; North 45° 39′ 40″ West 198.50 feet to a point; North 44° 35′ 40″ West 200.50 feet to a point; North 42° 51′ 40″ West 150.70 feet to a point; North 36° 12′ 20″ West 104.75 feet to a point; North 24° 42′ 20″ West 104.30 feet to a point; and North 19° 33′ West 183.65 feet to a point at the intersection of said Road and the Northwest margin of Norfolk-Southern Railroad; thence along the margin of said Railroad North 48° East 2986.28 feet to a point; thence North 47° 30′ 40″ East 149.37 feet to a point; thence North 45° 55′ 20″ East 148.57 feet to a point in the Northwest line of the existing Town of Hertford; thence along said existing line of Hertford 3 calls as follows: South 45° 51′ East 58 feet to a point; South 59° 09′ East 330.60 feet to a point; and South 7° 33′ West 5353.88 feet to the beginning and containing 172.28 acres and being Area No. 2 as shown on plat hereinabove referred to.

Area No. 3. BEGINNING at a point in the Northwest margin of US Highway No. 17 Bypass, said point of beginning also being in the run of a branch and running from said point of beginning North 38° 26′ 20″ West 98.15 feet to a point; thence North 24° 38′ 20″ East 143.75 feet to a point; thence 46° 16′ West 354.45 feet to a point; thence North 63° 07′ 40″ West 95.90 feet to a point; thence North 04° 43′ 20″ West 282.75 feet to a point; thence North 06° 4′ 40″ east 240.4 feet to a point; thence North 29° 46′ 20″ East 77.90 feet to a point in the southwest line of the existing Town of Hertford; thence along said line South 56° 50′ 30″ East 1235.37 feet to a point in the aforesaid margin of said US Highway No. 17 Bypass; thence along said Highway South 60° 52′ 20″ West 848.10 feet to the BEGINNING and containing 12.67 acres and being Area No. 3 as shown on said map hereinabove referred to.

Area No. 4. BEGINNING at a point in the Southwest margin of Road No.1107 and running thence along the margin of said road North 59° 12′ West 60.66 feet to a point; and North 59° 35′ 13″ West 153.71 feet to a point in the existing boundary line of the Town of Hertford thence along said existing boundary line 4 calls as follows: North 51° 30′ 46″ East 686.22 feet to a point; North 42° 08′ 44″ East 669.13 feet to a point; North 33° 10′ 33″ East 662.38 feet to a point; North 28° 57′ 20″ East 3725.73 feet to a point; thence South 10° 51′ 20″ East 8.97 feet to a point; thence South 05° 22′ 20″ East 334.20 feet to a point; thence South 10° 22′ 20″ East 10.0 feet to a point; thence South 28° 57′ 20″ West 3442.48 feet to a point; thence South 33° 10′ 33″ West 687.18 feet to a point; thence South 42° 08′ 44″ West 702.95 feet to a point; thence South 51° 30′ 46″ West 628.45 feet to the beginning, containing 25.77 acres and being Area No. 4 as shown on map hereinabove referred to.

Sec. 2. This act shall become effective June 30, 1985.

In the General Assembly read three times and ratified, this the 31st day of May, 1985.

H.B. 618 **CHAPTER 299**

AN ACT TO INCLUDE THE CORPORATE LIMITS OF THE TOWN OF INDIAN BEACH WITHIN THE SALTER PATH RURAL FIRE PROTECTION DISTRICT, AND TO ALLOW THAT TOWN TO REMOVE ITSELF FROM THE DISTRICT AT A FUTURE TIME.

The General Assembly of North Carolina enacts:

Section 1. The area of the Salter Path Rural Fire Protection District is increased to include all of the territory within the corporate limits of the Town of Indian Beach. As territory is annexed to the Town of Indian Beach, that territory automatically becomes part of the Salter Path Rural Fire Protection District on the effective date of the annexation.

Sec. 2. G.S. 69-25.15 does not apply to the Town of Indian Beach.

Sec. 3. Upon the adoption of an ordinance by the governing board of the Town of Indian Beach finding that the Town is able to establish a fire and rescue department staffed either by volunteers or by fulltime professional employees, or to otherwise adequately provide for fire protection and rescue services, the area of the Salter Path Rural Fire Protection District is decreased by removing the territory within the corporate limits of the Town of Indian Beach. Any such ordinance shall become effective on the first day of July which is more than 60 days after adoption of the ordinance.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1985.

H.B. 673 **CHAPTER 300**

AN ACT TO ALLOW THE CITY OF WILSON TO CHARGE AN ACREAGE CHARGE FOR WATER AND SEWER AND HAVE THAT CHARGE RELATE TO DIMINISHING CAPACITY OF WATER AND SEWER FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Section 15.2 of the Charter of the City of Wilson, being Chapter 136, Session Laws of 1969, as added by Chapter 334, Session Laws of 1979, is amended in the second sentence by deleting "may establish higher acreage charges for property", and substituting "may establish different acreage charges for property".

Sec. 2. Section 15.2 of the Charter of the City of Wilson, being Chapter 136, Session Laws of 1969, as added by Chapter 334, Session Laws of 1979, is amended by adding the following new paragraph at the end:

"In addition to the acreage charges authorized above, the City Council may establish and collect acreage charges for making connections to the City water and sewage system, both inside and outside the corporate limits, to aid in financing the cost of replacing the diminishing capacity

of water and sewage facilities, including plants and raw water reservoirs. Such charges shall be based upon the cost of water plant or reservoir and/or sewer plant expansion or improvement as a result of continued development diminishing the capacity of these facilities. The collected charges shall be placed in a special fund designated for such improvements or expansion purposes. Such charges may differ as to the amount of the charges, depending upon location of the requested sewer and/or water connection, type of development, anticipated benefits of such development and whether or not annexation occurs. Such charges may also be periodically reviewed and changed as required by City Council."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1985.

H.B. 752 **CHAPTER 301**

AN ACT AUTHORIZING TOUR BOATS TO HOLD ABC PERMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-1006 is amended by adding a new subsection to read:

"(h) Tour Boats. The Commission may issue permits to boats that conduct regularly scheduled tours upon the rivers or waterways of this State under the following conditions:

(1) A boat shall serve meals on each tour and shall have a dining area with seating for at least 36 people;

(2) A boat's gross receipts from food and non-alcoholic beverages shall be greater than its gross receipts from alcoholic beverages;

(3) A boat may hold the permits listed in G.S. 18B-1001(1), (3), (5), and (10), but no off-premises sales may be made pursuant to those permits;

(4) A boat shall dock in an area where issuance of the permits listed in subdivision (3) is legal, and all passengers shall enter and leave the boat there. While tour passengers are on board, the boat may not dock at any other place except for an emergency. The boat's permits are valid during these tours, regardless of whether the boat crosses into an area where sales are not legal; and

(5) A boat may not serve or sell any alcoholic beverages except during tours."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1985.

S.B. 151 **CHAPTER 302**

AN ACT TO PUT SWAIN COUNTY UNDER THE STATEWIDE FOX HUNTING LAW.

The General Assembly of North Carolina enacts:

Section 1. The chart in G.S. 113-133.1(e) is amended by rewriting the entry for Swain County to read:

"Swain: Public-Local Laws 1935, Chapter 52; Session Laws 1953, Chapter 270; Session Laws 1965, Chapter 765."

Sec. 2. Chapter 228 of the 1949 Session Laws is repealed.

Sec. 3. Section 2 of Chapter 107 of the 1935 Public Laws, as amended by Chapter 238 of the 1935 Public Laws, is repealed as it applies to Swain County.

Sec. 4. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

S.B. 229 **CHAPTER 303**

AN ACT TO PROHIBIT HUNTING FROM THE RIGHTS-OF-WAY OF PUBLIC ROADS IN RANDOLPH COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt, take, or kill or to attempt to hunt, take, or kill any animal or bird on or from the right-of-way of any public road, street, highway, or thoroughfare.

Sec. 2. Violation of this act is a misdemeanor punishable for a first conviction by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) or imprisonment not to exceed 30 days, and punishable for a second conviction within three years by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), by imprisonment not to exceed 90 days, or by both.

Sec. 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Sec. 4. This act applies only to Randolph County.

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

S.B. 234 **CHAPTER 304**

AN ACT TO PROVIDE A MEANS TO DETERMINE THE JURISDICTION OF THE COMMISSIONER OF INSURANCE OVER PROVIDERS OF HEALTH CARE BENEFITS.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 58 is amended by adding a new Article to read:

"ARTICLE 27C.
"Determination of Jurisdiction Over Providers
of Health Care Benefits.

"§ 58-262.30. *Purposes.*—The purposes of this Article are: To give the State jurisdiction over providers of health care benefits; to indicate how each provider of health care benefits may show under what jurisdiction it falls; to allow for examinations by the State if the provider of health care benefits is unable to show it is subject to another jurisdiction; to make such a provider of health care benefits subject to the laws of the State if it cannot show that it is subject to another jurisdiction; and to disclose the purchasers of such health care benefits whether or not the plans are fully insured.

"§ 58-262.31. *Authority and jurisdiction of Commissioner.*—Notwithstanding any other provision of law, and except as provided in this Article, any person that provides coverage in this State for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether such coverage is by direct payment, reimbursement, or otherwise, shall be presumed to be subject to the jurisdiction of the Commissioner, unless the person shows that while providing such services it is subject to the jurisdiction of another agency or subdivision of this State or of the federal government.

"§ 58-262.32. *How to show jurisdiction.*—A person may show that it is subject to the jurisdiction of another agency or subdivision of this State or the federal government, by providing to the Commissioner the appropriate certificate, license, or other document issued by the other governmental agency that permits or qualifies it to provide those services.

"§ 58-262.33. *Examination.*—Any person that is unable to show under G.S. 58-262.32 that it is subject to the jurisdiction of another agency or subdivision of this State or of the federal government, shall submit to an examination by the Commissioner to determine the organization and solvency of the person, and to determine whether or not such person complies with the applicable provisions of this Chapter or General Statutes Chapters 57 or 57B.

"§ 58-262.34. *Subject to State laws.*—Any person unable to show that it is subject to the jurisdiction of another agency or subdivision of this State or the federal government, shall be subject to all appropriate provisions of this Chapter or General Statutes Chapters 57 or 57B regarding the conduct of its business.

"§ 58-262.35. *Disclosure.*—(a) Any production agency or administrator that advertises, sells, transacts, or administers the coverage in this State described in G.S. 58-262.31 and that is required to submit to an examination by the Commissioner under G.S. 58-262.33, shall, if said coverage is not fully insured or otherwise fully covered by an admitted life, accident, health, accident and health, or disability insurer, nonprofit hospital, medical, or dental service plan, or nonprofit health care plan, clearly and distinctly advise every purchaser, prospective purchaser, and covered person of such lack of insurance or other coverage.

(b) Any administrator that advertises or administers the coverage in this State described in G.S. 58-262.31 and that is required to submit to

an examination by the Commissioner under G.S. 58-262.33, shall advise any production agency of the elements of the coverage, including the amount of 'stop-loss' insurance in effect."

Sec. 2. This act shall become effective August 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

S.B. 235 **CHAPTER 305**

AN ACT TO REQUIRE PARTICIPATION BY INSURERS IN THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS INSURANCE REGULATORY INFORMATION SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 58 is amended by adding a new Article to read:

"Article 2A.
"NAIC Insurance Regulatory Information System.

"§ 58-27.10. *Scope.*—The provisions of this Article shall apply to all domestic, foreign, and alien insurers who are authorized to transact business in this State.

"§ 58-27.11. *Filing requirements.*—(a) Each domestic, foreign, and alien insurer that is authorized to transact insurance in this State shall, on or before March 1 of each year, file with the National Association of Insurance Commissioners (NAIC) a copy of its annual statement convention blank, along with such additional filings as prescribed by the Commissioner, for the preceding year. The information filed with the NAIC shall be in the same format and scope as that required by the Commissioner and shall include the signed jurat page and the actuarial certification. Any amendments and addenda to the annual statement filing that are subsequently filed with the Commissioner shall also be filed with the NAIC.

(b) Foreign insurers that are domiciled in a state that has a law or regulation substantially similar to this Article shall be deemed to be in compliance with this section.

"§ 58-27.12. *Immunity.*—In the absence of actual malice, or gross negligence, members of the NAIC, their duly authorized committees, subcommittees, and task forces, their delegates, NAIC employees, and all others charged with the responsibility of collecting, reviewing, analyzing, and disseminating the information developed from the filings made pursuant to G.S. 58-27.11 shall be acting as agents of the Commissioner under the authority of this Article and shall not be subject to civil liability for libel, slander, or any other cause of action by virtue of their collection, review, and analysis or dissemination of the data and information collected from the filings required under this Article.

"§ 58-27.13. *Revocation of certificate of authority.*—The Commissioner may suspend, revoke, or refuse to renew the certificate of authority of any

insurer failing to file its annual statement when due or within any extension of time that the Commissioner, for good cause, may have granted."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

S.B. 292 **CHAPTER 306**

AN ACT TO AMEND G.S. 113-294 WITH RESPECT TO THE PENALTY FOR UNLAWFUL TAKING OF DEER.

The General Assembly of North Carolina enacts:

Section 1. Subsection (d) of G.S. 113-294 is amended by deleting the word "antlerless" as it appears in the first sentence of said subsection.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

S.B. 333 **CHAPTER 307**

AN ACT RELATING TO THE AUTHORITY OF THE GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH DISABILITIES IN ORDER TO COMPLY WITH CHANGES IN FEDERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-403.1(1) is rewritten to read:

"(1) To provide for a statewide protection and advocacy program in accordance with the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 6000, *et seq.* In accordance with this Act, the Council shall, among other things, investigate complaints made by or on behalf of incompetent developmentally disabled persons who reside in facilities for the developmentally disabled who have no legal guardian or whose guardian is the State or a State designee. Where such a complaint is made to the Council, the Council shall have access to the individual who is the subject of the complaint, and to the records of such individual; provided that an allegedly incompetent client who has no guardian who, in the opinion of the facility director, is competent shall have the opportunity prior to disclosure to deny access to his individual records by making a specific objection to disclosure to the Council. The Council shall keep client information confidential in accordance with 42 U.S.C. § 6000 and implementing rules and regulations, including 45 C.F.R. Part 1386. The Council's authority under this subsection shall override any contrary provisions of State law and shall apply as long as the Council is designated by the Governor as the Protection and Advocacy Agency under 42 U.S.C. § 6000."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

S.B. 343 **CHAPTER 308**

AN ACT RELATING TO THE EXERCISE OF EXTRATERRITORIAL PLANNING POWERS BY THE TOWN OF ABERDEEN, THE VILLAGE OF PINEHURST AND THE TOWN OF SOUTHERN PINES IN MOORE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-360(a) is amended by adding a new sentence at the end to read:

"The Town of Aberdeen, the Village of Pinehurst and the Town of Southern Pines may exercise the powers granted by this Article for a distance of not more than two miles beyond their corporate limits, without regard to the population limitations of this subsection."

Sec. 2. G.S. 160A-360(f) is amended by adding a new sentence at the end of the first paragraph to read:

"When either the Town of Aberdeen, the Village of Pinehurst, or the Town of Southern Pines annexes any area outside its corporate limits thus extending the area over which it would be allowed under subsection (a) of this section to exercise the powers granted by this Article, upon presenting proper evidence to the County Board of Commissioners that such annexation has been accomplished, the County Board of Commissioners shall adopt a resolution authorizing said municipality to exercise these powers within the extended area thus described."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

H.B. 365 **CHAPTER 309**

AN ACT TO CONFORM THE GENERAL STATUTE AUTHORIZING AND ESTABLISHING THE OPTIONAL RETIREMENT PROGRAM TO LATER ACTION OF THE GENERAL ASSEMBLY WITH RESPECT TO TAX TREATMENT OF STATE RETIREMENT CONTRIBUTIONS AND STRUCTURE OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-5.1 is rewritten to read:

"§ 135-5.1. *Optional retirement program for State institutions of higher education.*—(a) An Optional Retirement Program provided for in this section is authorized and established and shall be implemented by the Board of Governors of The University of North Carolina. The Optional Retirement Program shall be underwritten by the purchase of annuity contracts, which may be both fixed and variable contracts or a combination thereof, or financed through the establishment of a trust, for the benefit of administrators and faculty of The University of North Carolina with the rank of instructor or above who (i) had been members of the Optional Retirement Program under the provisions of Chapter 338, Session Laws of 1971, immediately prior to July 1, 1985 or (ii) have sought membership as required in subsection (b), below. Under the Optional

Retirement Program, the State and the participant shall contribute, to the extent authorized or required, toward the purchase of such contracts or deposited in such trust on the participant's behalf.

(b) Participation in the Optional Retirement Program shall be governed as follows:

(1) Those participating in the Optional Retirement Program immediately prior to July 1, 1985, under the provisions of Chapter 338, Session Laws of 1971, are deemed automatically enrolled in the Program as established by this section.

(2) Eligible employees initially appointed on or after July 1, 1985, shall at the same time of entering upon eligible employment elect (i) to join the Retirement System in accordance with the provisions of law applicable thereto or (ii) to participate in the Optional Retirement Program. This election shall be in writing and filed with the Retirement System and with the employing institution and shall be effective as of the date of entry into eligible service.

(3) An election to participate in the Optional Retirement Program shall be irrevocable. An eligible employee failing to elect to participate in the Optional Retirement Program at the time of entry into eligible service shall automatically be enrolled as a member of the Retirement System.

(4) No election by an eligible employee of the Optional Retirement Program shall be effective unless it is accompanied by an appropriate application for the issuance of a contract or contracts or trust participation under the Program.

(5) If any participant having less than five years coverage under the Optional Retirement Program leaves the employ of The University of North Carolina and either retires or commences employment with an employer not having a retirement program with the same company underwriting the participant's annuity contract, regardless of whether the annuity contract is held by the participant, a trust, or the Retirement System, the participant's interest in the Optional Retirement Program attributable to contributions of The University of North Carolina shall be forfeited and shall either (i) be refunded to The University of North Carolina and forthwith paid by it to the Retirement System and credited to the pension accumulation fund or (ii) be paid directly to the Retirement System and credited to the pension accumulation fund.

(c) Each employing institution shall contribute on behalf of each participant in the Optional Retirement Program an amount equal to the amount which the employee would be required to contribute to the Retirement System as a member of the Retirement System as specified in G.S. 135-8(b)(1). Each participant shall contribute the amount which he or she would be required to contribute if a member of the Retirement System. Contributions authorized or required by the provisions of this subsection on behalf of each participant shall be made, consistent with Section 414(h) of the Internal Revenue Code, by salary reduction according to rules and regulations established by The University of North Carolina.

Additional personal contributions may also be made by a participant by payroll deduction or salary reduction to an annuity or retirement income plan established pursuant to G.S. 116-17. Payment of contributions shall be made by the employing institution to the designated company or companies underwriting the annuities or the trustee for the benefit of each participant, and this employer contribution shall not be subject to any State tax if made under the Optional Retirement Program or, otherwise, by salary reduction.

(d) The Board of Governors of The University of North Carolina shall designate the company or companies from which contracts are to be purchased or the trustee responsible for the investment of contributions under the Optional Retirement Program, and shall approve the form and contents of such contracts or trust agreement. In making this designation and giving such approval, the Board shall give due consideration to the following:

(1) The nature and extent of the rights and benefits to be provided by these contracts or trust agreement for participants and their beneficiaries;

(2) The relation of these rights and benefits to the amount of contributions to be made;

(3) The suitability of these rights and benefits to the needs of the participants and the interest of the institutions of The University of North Carolina in recruiting and retaining faculty in a national market; and

(4) The ability of the designated company or companies underwriting the annuity contracts or trust agreement to provide these suitable rights and benefits under such contracts or trust agreement for these purposes.

Notwithstanding the provisions of this subsection, no contractual relationship established under the Optional Retirement Program pursuant to the authority granted by Chapter 338, Session Laws of 1971, is deemed terminated by the provisions of this section.

(e) The Board of Governors of The University of North Carolina may provide for the administration of the Optional Retirement Program and may perform or authorize the performance of all functions necessary for its administration.

(f) Any eligible employee electing to participate in the Optional Retirement Program is ineligible for membership in the Retirement System so long as he or she remains employed in any eligible position within The University of North Carolina, and, in this event, he or she shall continue to participate in the Optional Retirement Program.

(g) No retirement benefit, death benefit, or other benefit under the Optional Retirement Program shall be paid by the State of North Carolina, or The University of North Carolina, or the Board of Trustees of the Teachers' and State Employees' Retirement System with respect to any employee selecting and participating in the Optional Retirement Program or with respect to any beneficiary of that employee. Benefits shall be payable to participants or their beneficiaries only by the designated company in accordance with the terms of the contracts or trust agreement."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

H.B. 382 **CHAPTER 310**

AN ACT TO PROVIDE GAIN TIME CREDIT TO PRISONERS SENTENCED FOR FELONIES COMMITTED ON OR AFTER JULY 1, 1981, FOR PARTICIPATION IN REHABILITATIVE PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 148-13(d) is amended by rewriting the second sentence to read as follows:

"Gain time credit may be granted for meritorious conduct and shall be granted for performance of regular work and regular participation in study, training, work release, and other rehabilitative programs inside or outside the prison or jail."

Sec. 2. G.S. 148-13(d)(1) is rewritten to read as follows:

"(1) Gain Time I. In addition to the good behavior credit authorized by G.S. 15A-1340.7, prisoners who perform work assignments requiring at least four hours of actual work per day, and prisoners who participate in study, training, or other rehabilitative programs requiring at least four hours of productive activity per day, shall receive gain time credit at the rate of two days per month."

Sec. 3. G.S. 148-13(d)(2) is rewritten to read as follows:

"(2) Gain Time II. In addition to the good behavior credit authorized by G.S. 15A-1340.7, prisoners who perform work assignments requiring at least six hours of actual work per day, prisoners who perform in part-time work release programs, and prisoners who participate in study, training, or other rehabilitative programs requiring at least six hours of productive activity per day, shall receive gain time credit at the rate of four days per month."

Sec. 4. G.S. 148-13(d)(3) is rewritten to read as follows:

"(3) Gain Time III. In addition to the good behavior credit authorized by G.S. 15A-1340.7, prisoners who perform work assignments requiring special skills or special responsibilities and requiring at least six hours of actual work per day, prisoners who perform in full-time work release programs, and prisoners who participate in full-time study, training, or other rehabilitative programs shall receive gain time credit at the rate of six days per month."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

H.B. 609 **CHAPTER 311**

AN ACT TO REVISE FEES AND CHARGES RECEIVED BY THE UTILITIES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 62-300(a)(1) is amended by inserting the words "or the Supreme Court," after the words "Court of Appeals".

Sec. 2. G.S. 62-300(a)(5) is amended by inserting the words "and twenty-five dollars ($25.00) for any other person seeking a certificate of public convenience and necessity" after the words "twenty-five dollars ($25.00) for Class C and D utilities."

Sec. 3. G.S. 62-300(a)(7) is amended by adding the words "or relief" after the words "petitions made by individuals seeking service".

Sec. 4. G.S. 62-300(a)(10) is amended by rewriting this subdivision to read:

"(10) Twenty cents (20¢) for each page of copies of papers, orders, certificates or other records, but not less than one dollar ($1.00) for any such order or record, plus five dollars ($5.00) for formal certification of any such paper, order or record."

Sec. 5. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

H.B. 610 **CHAPTER 312**

AN ACT TO PERMIT THE UTILITIES COMMISSION TO EMPLOY LEGAL COUNSEL AND RECOVER THE COSTS FOR THAT COUNSEL WHEN APPEARING BEFORE FEDERAL COURTS AND AGENCIES IN MATTERS RELATING TO THE WHOLESALE RATES FOR NATURAL GAS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 62-48 is amended by designating the existing section as subsection (a) and by adding a new subsection to read:

"(b) The Commission may, when appearing before federal courts and agencies on behalf of the using and consuming public in matters relating to the wholesale rates and supply of natural gas, employ, subject to the approval of the Governor, private legal counsel and be reimbursed for any resulting legal fees and costs from past and future refunds received by the North Carolina natural gas distribution companies, and may establish procedures for those natural gas distribution companies to set aside reasonable amounts of those refunds for this purpose."

Sec. 2. Section 132, Chapter 761, 1983 Session Laws, is repealed.

Sec. 3. This act is effective upon ratification and its provisions shall apply to legal fees and costs previously incurred for the purposes stated in Section 1 of this act.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

H.B. 700 **CHAPTER 313**

AN ACT TO ALLOW INVESTMENTS IN OBLIGATIONS ISSUED, ASSUMED OR GUARANTEED BY THE AFRICAN DEVELOPMENT BANK.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-79(a)(5) is amended by rewriting the third sentence to read:

"Interest-bearing bonds, notes or other interest-bearing obligations of any solvent corporation organized under the laws of the United States of America or of the Dominion of Canada, or under the laws of any state, District of Columbia, territory or possession of the United States of America, or obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development, the Asian Development Bank, the Inter-American Development Bank, and the African Development Bank."

Sec. 2. G.S. 58-79.1(a)(6) is rewritten to read:

"(6) Obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development, the Asian Development Bank, the Inter-American Development Bank, and the African Development Bank."

Sec. 3. G.S. 147-69.1(c)(2) is rewritten to read:

"(2) Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, the United States Postal Service, the Export-Import Bank, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

H.B. 737 **CHAPTER 314**

AN ACT TO PROHIBIT THE SALE OF KEROSENE FROM PUMPS LOCATED ON THE SAME PUMP ISLAND AS PUMPS DISPENSING GASOLINE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 119 of the General Statutes is amended by adding a new section to read:

"§ 119-16.3. *Certain kerosene sales prohibited.*—It shall be a misdemeanor for any distributor to sell kerosene dispensed from a pump located on the same island where there are pumps dispensing gasoline or gasohol. An island is a group of two or more dispensing pumps within 15

feet of each other. This act shall apply only to pumps installed after the effective date."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

H.B. 765 **CHAPTER 315**

AN ACT TO PERMIT THE WIDOWS OF EX-PRISONERS OF WAR TO RETAIN THE DISTINCTIVE REGISTRATION PLATE UNDER CERTAIN CONDITIONS.

Whereas, the wives of the men captured by the enemy of the United States of America during time of war having suffered along with the men; and

Whereas, these wives, who have stood by their men during those years and during the years after when the men were recuperating, are deserving of recognition by the State; and

Whereas, it is estimated that only about 25 widows would be affected by the provisions of this bill each year; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-81.4(a1) is amended by adding a new sentence at the end to read:

"The widows of the ex-prisoners of war may renew, and the Division may reissue without charge, the plates issued pursuant to this subsection until the widow either remarries or fails to renew the registration plate."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

H.B. 770 **CHAPTER 316**

AN ACT TO MAKE THE SECRETARY OF CULTURAL RESOURCES AN EX OFFICIO MEMBER OF THE GOVERNING BODY OF THE NORTH CAROLINA ART SOCIETY, INC.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-89, as the same is found in Volume 3C of the General Statutes, is amended on line 6 after the words and punctuation "State Treasurer," and before the words "and the Director" by adding the words and punctuation "Secretary of Cultural Resources,".

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

H.B. 279 **CHAPTER 317**

AN ACT TO PERMIT THE STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS TO COLLECT AN EXAMINATION REVIEW FEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 87-44 is amended by adding the following sentence at the end of the last paragraph of that section to read:

"In addition, the Board may collect an examination review fee, not to exceed ten dollars ($10.00), from failed examinees who apply for a supervised review of their failed examinations."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1985.

H.B. 506 **CHAPTER 318**

AN ACT RELATING TO QUORUM AND VOTING REQUIREMENTS OF THE STATE BANKING COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 53-92 is amended by adding after the fourth paragraph a new paragraph to read:

"A quorum shall consist of a majority of the total membership of the Banking Commission. A majority vote of the members qualified with respect to a matter under review present at that meeting shall constitute valid action of the Banking Commission. The State Treasurer and all disqualified members who are present shall be counted to determine whether a quorum is present at a meeting."

Sec. 2. This act is effective upon ratification and shall not affect any pending litigation .

In the General Assembly read three times and ratified, this the 4th day of June, 1985.

H.B. 756 **CHAPTER 319**

AN ACT TO MAKE IT CLEAR THAT A SECOND NOTICE TO CREDITORS NEED NOT BE PUBLISHED IF A PRIOR NOTICE HAS BEEN PUBLISHED BY A COLLECTOR OR PERSONAL REPRESENTATIVE AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-14-1 is amended by adding a new sentence at the end of the paragraph to read:

"When any collector or personal representative of an estate has published the notice provided for by this section, no further publication shall be required by any other collector or personal representative."

Sec. 2. This act shall become effective upon ratification and shall apply to the administration of the estates of persons dying on or after the effective date of this act.

In the General Assembly read three times and ratified, this the 4th day of June, 1985.

H.B. 893 CHAPTER 320

AN ACT TO PROVIDE FOR DISCRETIONARY SUBSTITUTION OF A TRUSTEE NAMED IN A MORTGAGE OR DEED OF TRUST.

The General Assembly of North Carolina enacts:

Section 1. G.S. 45-10 is rewritten to read:

"§ 45-10. *Substitution of trustees in mortgages and deeds of trust.*—In addition to the rights and remedies now provided by law, the holders or owners of a majority in amount of the indebtedness, notes, bonds, or other instruments evidencing a promise or promises to pay money and secured by mortgages, deeds of trust, or other instruments conveying real property, or creating a lien thereon, may, in their discretion, substitute a trustee whether the trustee then named in the instrument is the original or a substituted trustee, by the execution of a written document properly recorded pursuant to Chapter 47 of the North Carolina General Statutes."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 4th day of June, 1985.

H.B. 909 CHAPTER 321

AN ACT TO PROTECT CERTAIN OFFICERS AND EMPLOYEES OF COUNTY DEPARTMENTS OF SOCIAL SERVICES BY MAKING SIMPLE ASSAULTS ON THEM TWO-YEAR MISDEMEANORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-33(b) is amended by changing the period at the end of subdivision (6) to a semicolon and adding the word "or" after that semicolon, and by adding a new subdivision to read:

"(7) Assaults one of the following officers or employees of a county department of social services when that officer or employee is discharging or attempting to discharge a duty of his office or employment: the director, an administrator or other person in a supervisory position, a social worker, an eligibility specialist, or a receptionist."

Sec. 2. This act shall become effective October 1, 1985, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 4th day of June, 1985.

H.B. 963 **CHAPTER 322**

AN ACT TO CLARIFY THE DEFINITION OF EMPLOYMENT REGARDING TEMPORARY EMERGENCY SERVICE WORKERS IN THE EMPLOYMENT SECURITY LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-8(6)i is amended by adding a new sentence at the end to read:

"The services to which clause (d) of the preceding sentence applies include but are not limited to temporary emergency services compensated solely by a fixed payment for each emergency call answered whether or not provided for by prior agreement and training in preparation for such temporary emergency service whether or not compensated."

Sec. 2. This act shall become effective July 1,1985.

In the General Assembly read three times and ratified, this the 4th day of June, 1985.

H.B. 986 **CHAPTER 323**

AN ACT TO REQUIRE THAT THE DEPARTMENT OF HUMAN RESOURCES STUDY THE ISSUE OF REVISION OF MINIMUM STANDARDS FOR THE CONSTRUCTION AND OPERATION OF LOCAL JAILS.

Whereas, the county commissioners and sheriffs are jointly responsible for the construction and operation of local jails; and

Whereas, the Department of Human Resources, Division of Facility Services, Jails and Detention Branch, is responsible for developing minimum standards for the construction and operation of local jails; and

Whereas, the Joint Legislative Commission on Governmental Operations has expressed interest in and concern about the necessity for revision of construction and operation standards for local jails; and

Whereas, this issue was referred by the Joint Legislative Commission on Governmental Operations to the Senate Committee on Human Resources and to the House of Representatives Committee on Corrections; and

Whereas, these two legislative committees have met jointly on a number of occasions; and

Whereas, these two legislative committees have found that the minimum standards for construction and operation of local jails have not been comprehensively or systematically reviewed since 1968; and

Whereas, since 1968 there have been significant advances in construction methods and operation standards, and in legal requirements placed upon local jails; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Secretary of Human Resources shall form a study committee to review, analyze, and make necessary recommendations to the General Assembly concerning revision of minimum standards for the construction and operation of local jails. The Secretary shall consult with

those groups identified in G.S. 153A-221(b) in forming this study committee.

Sec. 2. The Secretary of Human Resources shall make a written report to the 1985 General Assembly, Regular Session 1986, including recommendations for revision of the minimum standards for construction and operation of local jails. This report shall be presented to the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Copies shall be presented to the Chairman of the House of Representatives Committee on Corrections, to the Chairman of the Senate Committee on Human Resources, and to the Director of the Division of Fiscal Research of the Legislative Services Office.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1985.

H.B. 1027 **CHAPTER 324**

AN ACT TO CLARIFY AND RAISE THE PUNISHMENT FOR THE MISDEMEANOR OF VEHICULAR HIT AND RUN.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of G.S. 20-166(b) is rewritten to read:

"A violation of this subsection is a misdemeanor punishable by a fine or by imprisonment for not more than two years, or both, in the discretion of the court."

Sec. 2. G.S. 20-166(c)(2) is rewritten to read:

"(2) In injury or death to any person, but only if the operator of the vehicle did not know and did not have reason to know of the death or injury;".

Sec. 3. The last sentence of G.S. 20-166(c) is rewritten to read:

"A violation of this subsection is a misdemeanor punishable by a fine or by imprisonment for not more than two years, or both, in the discretion of the court."

Sec. 4. The last sentence of G.S. 20-166(c1) is rewritten to read:

"A violation of this subsection is a misdemeanor punishable by a fine or by imprisonment for not more than two years, or both, in the discretion of the court."

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 4th day of June, 1985.

H.B. 371 **CHAPTER 325**

AN ACT TO INCREASE THE FEE FOR A RECORD SEARCH OR FOR A COPY OF A VITAL RECORD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-93(i) is amended by substituting the words "five dollars ($5.00)" for the words "three dollars ($3.00)".

Sec. 2. G.S. 130A-110(b) is amended by deleting the last sentence.

Sec. 3. G.S. 130A-111 is amended by deleting the second, third and fourth sentences of that section.

Sec. 4. Sections 1 and 2 of this act shall become effective October 1, 1985. Section 3 of this act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 5th day of June, 1985.

H.B. 635 **CHAPTER 326**

AN ACT TO PERMIT BURKE COUNTY TO USE REVENUE RECEIVED FROM ONE-HALF PERCENT LOCAL SALES AND USE TAXES FOR ANY PUBLIC PURPOSE WHICH IS AUTHORIZED BY LAW.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 105-487, revenue received by Burke County from one-half percent (½%) local sales and use taxes levied under Article 40 of Chapter 105 of the General Statutes may be used by the county for any public purpose for which Burke County is authorized by law to expend funds. All revenue received by Burke County before the enactment of this act that has been reserved for public school capital outlay purposes, as required by G.S. 105-487, may be used for any public purpose for which Burke County is authorized by law to expend funds. Notwithstanding Section 1.1 of Chapter 273, Session Laws of 1983, as added by Section 127 of Chapter 1034, Session Laws of 1983, the amount distributed to Burke County shall be divided among the county and its municipalities in accordance with the method specified under the last paragraph of Section 1 of Chapter 273, Session Laws of 1983 unless modified in accordance with G.S. 105-472.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1985.

S.B. 289 **CHAPTER 327**

AN ACT TO PROVIDE FOR THE INTEGRITY OF DOMESTIC INSURANCE COMPANY ASSETS FOR THE PROTECTION OF POLICYHOLDERS.

The General Assembly of North Carolina enacts:

Section 1. Subchapter IX of Chapter 58 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 35.
"Asset Protection Act.

"§ 58-410. *Title.*—This Article shall be known and may be cited as the 'Asset Protection Act'.

"§ 58-411. *Purposes.*—The purposes of this Article are to require insurers to maintain unencumbered assets in amounts equal to reserve liabilities; to provide preferential claims against insurers' assets in favor of owners, beneficiaries, assignees, and holders of insurance policies and

certificates; and to prevent the pledging, hypothecation, or encumbrance of assets in excess of certain amounts without a prior written order of the Commissioner.

"§ 58-412. *Scope.*—This Article applies to all domestic insurers and to all kinds of insurance written by those insurers under this Chapter and General Statutes Chapter 57. This Article does not apply to variable contracts for which separate accounts are required to be maintained nor to county farm mutual companies.

"§ 58-413. *Definitions.*—As used in this Article:

(1) 'Assets' means all property, real or personal, tangible or intangible, legal or equitable, owned by an insurer.

(2) 'Claimants' means any owners, beneficiaries, assignees, certificate holders, or third party beneficiaries of any insurance benefit or right arising out of and within the coverage of an insurance policy covered by this Article.

(3) 'Reserve assets' means those assets of an insurer that are authorized investments for policy reserves in accordance with this Chapter and G.S. 57-8.

(4) 'Reserve liabilities' means those liabilities that are required to be established by an insurer for all of its outstanding insurance policies in accordance with this Chapter and G.S. 57-8.

"§ 58-414. *Exception.*—(a) This Article does not apply to those reserve assets of an insurer that are held, deposited, pledged, hypothecated, or otherwise encumbered as provided in this section to secure, offset, protect, or meet those reserve liabilities of the insurer that are established, incurred, or required under the provisions of a reinsurance agreement whereby the insurer has reinsured the insurance policy liabilities of a ceding insurer, provided:

(1) The ceding insurer and the reinsurer are both licensed to transact business in this State;

(2) Pursuant to a written agreement between the ceding insurer and the reinsurer, reserve assets substantially equal to the reserve liabilities required to be established by the reinsurer on the reinsured business are either (i) deposited by or are withheld from the reinsurer and are in the custody of the ceding insurer as security for the payment of the reinsurer's obligations under the reinsurance agreement, and such assets are held subject to withdrawal by and under the separate or joint control of the ceding insurer, or (ii) deposited and held in a trust account for that purpose and under those conditions with a State or national bank domiciled in this State.

(b) The Commissioner has the right to examine any of such assets, reinsurance agreements, or deposit arrangements at any time in accordance with his authority to make examinations of insurers as conferred by other provisions of this Chapter.

"§ 58-415. *Prohibition of hypothecation.*—(a) Every insurer subject to this Article shall at all times have and maintain free and unencumbered assets in an amount equal to its reserve liabilities. No insurer shall pledge, hypothecate, or otherwise encumber its assets in an amount in excess of the amount of its capital and surplus. No insurer shall pledge, hypothecate,

or otherwise encumber more than ten percent (10%) of its reserve assets. The Commissioner, upon application made to him, may issue a written order approving the pledging, hypothecation, or encumbrance of any of the assets of an insurer in any amount upon a finding that the pledging, hypothecation, or encumbrance will not adversely affect the solvency of the insurer.

(b) Any insurer that pledges, hypothecates, or otherwise encumbers any of its assets shall within 10 days thereafter report in writing to the Commissioner the amount and identity of the assets so pledged, hypothecated, or encumbered and the terms and conditions of the transaction. In addition, the insurer shall file, along with its statement under G.S. 58-21, a statement sworn to by the chief executive officer of the insurer that: (i) Title to assets in an amount equal to the reserve liability of the insurer that are not pledged, hypothecated, or otherwise encumbered is vested in the insurer; (ii) the only assets of the insurer that are pledged, hypothecated, or otherwise encumbered are as identified and reported in the sworn statement and no other assets of the insurer are pledged, hypothecated, or otherwise encumbered; and (iii) the terms and provisions of the transaction of the pledge, hypothecation, or encumbrance are as reported in such sworn statement.

(c) Any person that accepts a pledge, hypothecation, or encumbrance of any asset of an insurer, as security for a debt or other obligation of the insurer, not in accordance with this Article, is deemed to have accepted the asset subject to a superior, preferential, and automatically perfected lien in favor of claimants: Provided, that said lien does not apply to the assets of an insurer in a delinquency proceeding under Article 17A of this Chapter if the Commissioner or the court, whichever is appropriate, approves the pledge, hypothecation, or encumbrance of the assets.

(d) In the event of the liquidation of any insurer subject to this Article, claimants of the insurer shall have a prior and preferential claim against all assets of the insurer except those that have been pledged, hypothecated, or encumbered in accordance with this Article. Subject to G.S. 58-155.15(a), all claimants have equal status; and their prior and preferential claims are superior to any claim or cause of action against the insurer by any other person."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 173 **CHAPTER 328**

AN ACT TO REDISTRICT THE BOARD OF COMMISSIONERS OF MITCHELL COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 677, Session Laws of 1975, is rewritten to read:

"Section 1. (a) Beginning with the 1988 General Election and quadrennially thereafter, there shall be elected three members to the Mitchell County Board of Commissioners from the county at large.

(b) Beginning with the 1990 General Election and quadrennially thereafter, there shall be elected two members to the Mitchell County Board of Commissioners from the county at large.

(c) The qualified voters of the entire county shall nominate candidates and elect the members apportioned to the county at large."

Sec. 2. (a) The Mitchell County Board of Elections shall hold a special election in Mitchell County on the date of the next statewide primary election.

(b) The question on the ballot shall be:

"☐ FOR the election of the members of the Mitchell County Board of Commissioners at large.

☐ AGAINST the election of the members of the Mitchell County Board of Commissioners at large."

(c) The election shall be conducted in accordance with Chapter 163 of the General Statutes.

Sec. 3. If a majority of votes cast are "FOR" the question, then Section 1 of this act shall become effective beginning with the 1988 primary and election.

Sec. 4. This act shall not affect the terms of office or the manner of filling vacancies of the current members of the Mitchell County Board of Commissioners or those to be elected in 1986.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 379 **CHAPTER 329**

AN ACT TO ALLOW ACTIONS INVOLVING UP TO ONE THOUSAND FIVE HUNDRED DOLLARS TO BE FILED AS SMALL CLAIMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-210(1), 7A-219, 42-28, and 42-30 are each amended by deleting the phrase "one thousand dollars ($1,000)" and substituting the phrase "one thousand five hundred dollars ($1,500)".

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 421 **CHAPTER 330**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GARNER CONCERNING ZONING REGULATIONS.

The General Assembly of North Carolina enacts:

Section 1. Article VI of the Garner Town Charter, as set forth in Section 1 of Chapter 333 of the Session Laws of 1977 is amended by adding three new sections to read:

"Section 6.3. Conditional Use Zoning.

A. In addition to the authority contained in Article 19 of Chapter 160A of the General Statutes, the Town may provide within its land use

ordinance for the creation and amendment of conditional use zoning districts in accordance with the provisions of this section and other applicable law. Within a conditional use district, uses shall be permissible only upon the issuance by the Board of Aldermen of a conditional use permit. This differentiates these conditional use districts from general use districts, in which a variety of uses are permissible, some requiring only a site permit from the zoning administrator, some a special use permit issued by the board of adjustment, and some a conditional use permit issued by the board of aldermen.

B. In establishing any conditional use district, the board of aldermen may, in lieu of setting forth all of the regulations applicable to such district, incorporate by reference all of the regulations applicable to any other general use zoning district created by the town's land use ordinance, subject to such exceptions and additions as the board, in the exercise of its legislative discretion, deems appropriate. The ordinance creating the conditional use district may not set forth exceptions that are less stringent than those of the referenced general use district, but may provide (by way of illustration without limitation) that only one or a few of the uses permitted within the referenced general use district shall be permissible within the conditional use district, or that increased setback distances shall apply within the conditional use district.

C. A conditional use zoning district may be applied to particular property only upon the submission by the property owner or a person acting on his behalf of a petition seeking an amendment to the official zoning map to have the zoning classification of his property changed to such conditional use zoning district.

"Section 6.4. Overlay Districts.

A. In addition to the authority conferred in Article 19 of Chapter 160A of the General Statutes, the Town may provide within its land use ordinance for the creation and amendments of overlay zoning districts in accordance with the provisions of this section and the applicable law. These overlay districts may be applied to certain designated areas within which development should be made subject to certain restrictions over and above those applicable to the underlying General Use Districts.

B. Overlay Districts may be established in designated areas where critical concern is recognized for protection of natural systems (such as the groundwater, surfacewater, drainageways, flood hazard areas, areas of poor soils, etc.), and for promotion of quality in man-made systems (such as preserving or improving scenic views along major thoroughfares, etc.), or for achieving other public objectives (such as infill development or other forms of revitalization) in specially designated areas.

C. Within these Overlay Districts, any development that occurs must be in compliance not only with the regulations applicable to the underlying General Use Districts but also with the additional requirements of the overlay districts. In instances of conflict, the Overlay District regulations shall take precedence.

"Section 6.5. Aesthetics Standards for Special Planning Districts.

A. The Board of Aldermen may, under authority of Section 6.4 of this charter or other provisions of law, establish an overlay district applicable to designated special planning districts within the town's planning

jurisdiction. Within these districts, the town may adopt regulations providing for special setback lines, buffer areas, screening, and landscaping and other matters affecting aesthetics in these districts. The Board may provide that not only shall these regulations apply to new developments but that developments in existence on the effective date of such regulations shall comply with them within a reasonable period of not less than three years as established in the ordinance.

B. Nothing in this section shall be interpreted to diminish in any way any authority otherwise available to the Town, including without limitation the authority to require the termination of nonconforming uses or situations after a reasonable amortization period."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 423 **CHAPTER 331**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOLLY SPRINGS CONCERNING ZONING REGULATIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of the Charter of the Town of Holly Springs, as found in Chapter 110 of the 1951 Session Laws is amended by adding a new subdivision to read:

"(7) In addition to the authority conferred upon it by general or local law, the Town of Holly Springs may create, through the legislative process, general use zoning districts, in which a variety of uses are permitted; conditional use zoning districts, in which limited uses are permitted only upon approval by the Town; overlay zoning districts, which are applied coincidental with the general or conditional use district; and transitional zoning regulations.

The overlay zoning districts may impose additional regulations on some property within the underlying general or conditional use district and not on all properties within those districts.

A person petitioning for rezoning of a tract of land where conditional use districts or overlay districts are authorized by ordinance, may elect to request a general use district, a conditional use district, or an overlay district for the tract. If the petitioner elects to petition for the general use or overlay district zoning, and if the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use or overlay district. If the petitioner elects to petition for conditional use district zoning, the petition must specify the actual use or uses, and all other development regulations authorized by State law, which are intended for the property specified in the petition. The intended use or uses and development regulations must be permitted in the corresponding general use district. If the petition is for conditional use district zoning, the Town Board of Commissioners is to approve or disapprove the petition on the basis of the specific use or uses and development regulations requested. If the petition is approved, the Town Board of Commissioners shall issue a conditional use permit authorizing

the requested use with such reasonable conditions as the Town Board of Commissioners determines to be desirable in promoting public health, safety and general welfare.

The conditions contained in a conditional use permit issued by the Town Board of Commissioners may include: location of the proposed use on the property; the number of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas and other special purpose areas; the timing of development; and such other matters as the Town Board of Commissioners may find appropriate or the petitioner may propose, including architectural review or controls.

It is the further intent of this subdivision to permit the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety and welfare, and ensure that substantial justice be done."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 440 **CHAPTER 332**

AN ACT CONCERNING NOTICES OF STREET CLOSINGS BY THE CITY OF DURHAM.

The General Assembly of North Carolina enacts:

Section 1. Section 51 of the Durham City Charter, being Chapter 671, Session Laws of 1975, is amended by adding the following at the end:

"The notice shall be published once a week for two successive calendar weeks in a newspaper having general circulation in the city. The notice shall be published the first time not less than 10 nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

The provisions of G.S. 160A-299 shall not be construed to limit the authority of the City under this Charter or under general law to sell, lease, rent, exchange or otherwise convey any property or interest in property which the city may have in any street or alley."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 449 **CHAPTER 333**

AN ACT RELATING TO ZONING BY WAKE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. In addition to the authority conferred upon it by general and local law, the County of Wake may create by legislative process general use districts, in which a variety of general and special uses are permitted; special use zoning districts, in which limited uses are permitted

only as special uses; and overlay zoning districts which may be applied coincidentally with general or special use districts and which may impose additional regulations on all or part of the underlying district or districts. The County of Wake may promulgate transitional zoning regulations to minimize the effect of potential or proposed development upon dissimilar adjoining districts or uses.

A person petitioning for rezoning of a tract of land where special use districts are authorized by ordinance may elect to request a general use district, a special use district, or an overlay district for the tract. If the petitioner requests a general use or an overlay district zoning and if the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use or overlay district. If the petitioner requests special use district zoning, the petition must specify the proposed use or uses for all property specified in the petition and must specify all State and local development regulations which will apply to the property if developed as proposed. The use or uses proposed for a special use district must be permitted uses in the corresponding general use district.

It is the further intent of this section to authorize the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety and welfare, and to ensure that substantial justice be done.

Sec. 2. This act applies to Wake County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 509 **CHAPTER 334**

AN ACT TO AUTHORIZE THE CHARLOTTE-MECKLENBURG COUNTY BOARD OF EDUCATION TO CONTINUE ITS PILOT PROGRAM EXTENDING THE PROBATIONARY PERIOD FOR NONTENURED TEACHERS.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of Section 2 of Chapter 394 of the 1983 Session Laws is repealed.

Sec. 2. Sections 5 and 6 of Chapter 394 of the 1983 Session Laws are deleted and replaced with the following three sections:

"Sec. 5. Nothing herein shall be deemed to amend or repeal the existing provisions of G.S. 115C-325(c)(1) as it applies to local school administrative units other than the Charlotte-Mecklenburg County local school administrative unit.

Sec. 5.1. This act shall apply only to the Charlotte-Mecklenburg County local school administrative unit.

Sec. 6. This act is effective upon ratification. Unless action is taken by the General Assembly by July 1, 1987, to reenact or modify the provisions of this act, this act shall expire on July 1, 1987."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 529 **CHAPTER 335**

AN ACT TO ADD ROBESON COUNTY TO THE LIST OF COUNTIES IN WHICH IT IS A CRIME TO OBTAIN AMBULANCE SERVICES WITHOUT INTENDING TO PAY FOR THE SERVICES OR TO MAKE AN UNNEEDED AMBULANCE REQUEST.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of G.S. 14-111.2 is amended by inserting the county "Robeson" in the proper alphabetical order.

Sec. 2. G.S. 14-111.3 is amended as follows:

(1) by rewriting the catch line to that section to read:

"*Making unneeded ambulance request in certain counties.—*"; and

(2) by inserting the county "Robeson" in the last sentence of that section in the proper alphabetical order.

Sec. 3. This act shall become effective October 1, 1985, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 546 **CHAPTER 336**

AN ACT TO AMEND CHAPTER 6, PRIVATE LAWS OF NORTH CAROLINA 1840-1841, AS AMENDED, PERTAINING TO THE CONSTRUCTION, OPERATION AND FINANCING OF HOSPITAL AND MEDICAL CARE FACILITIES BY THE TRUSTEES OF THE REX HOSPITAL, RALEIGH, NORTH CAROLINA.

Whereas, the "Trustees of the Rex Hospital" is a nonprofit corporation organized to carry out the purposes of a public charitable trust created under the will of John Rex, who died in February 1839, by conducting, operating and maintaining a hospital in the City of Raleigh, North Carolina, known as Rex Hospital, which hospital has served the citizens of the Raleigh area from 1894 to the present; and

Whereas, the Trustees of the Rex Hospital was created and exists by virtue of Chapter 6, Private Laws of North Carolina 1840-1841, as amended, and is governed by a Board of Trustees of up to 11 members; and

Whereas, subsequent to the organization of the Trustees of the Rex Hospital, the General Assembly of North Carolina enacted Chapter 55A of the North Carolina General Statutes, the Nonprofit Corporation Act; and

Whereas, the above-referenced Board of Trustees wishes to reorganize the Trustees of the Rex Hospital as a nonprofit corporation pursuant to the provisions of Chapter 55A of the North Carolina General Statutes, in order to modernize its corporate structure and to more effectively carry out its corporate purposes; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 6, Private Laws of 1840-1841, as amended by Chapter 53, Public-Local and Private Laws of 1935, as amended by Chapter

98, Public-Local Laws of 1939, as amended by Chapter 361, Session Laws of 1973, as amended by Chapter 1268, Session Laws of 1973, as amended by Chapter 724, Session Laws of 1977, as amended by Chapter 711, Session Laws of 1981, and as amended by Chapter 992, Session Laws of 1981, is amended by adding a new Section VI to read:

"VI. As an additional and alternative method of carrying out and effectuating the corporate purposes of the Trustees of the Rex Hospital, the Board of Trustees of such organization is authorized to: (i) incorporate, through one or more persons designated by them, a nonprofit corporation organized under the provisions of Chapter 55A of the North Carolina General Statutes, as it may be amended from time to time, (ii) serve as the initial Board of Directors of such nonprofit corporation, (iii) transfer and convey any and all property of the Trustees of the Rex Hospital, real or personal, tangible or intangible, of whatsoever kind and nature, to such nonprofit corporation, and (iv) upon the organization of such nonprofit corporation and the transfer and conveyance of such property to it, to dissolve the corporation known as the Trustees of the Rex Hospital, as established under this Chapter 6, Private Laws of 1840-1841, as amended; provided, however, that any such nonprofit corporation organized pursuant to this section shall assume any and all lawful debts, obligations and liabilities of the Trustees of the Rex Hospital. Upon the dissolution of the corporation known as the Trustees of the Rex Hospital, as provided hereinabove, the Board of Trustees of such corporation, and their successors, shall be released and discharged from any further authority, duty or responsibility conferred upon them individually or collectively by the will of John Rex, or the public charitable trust created thereunder, and such public charitable trust shall be terminated and dissolved."

Sec. 2. Insofar as the provisions of this act are inconsistent with the provisions of any general or special laws, or parts thereof, the provisions of this act shall be controlling.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 571 **CHAPTER 337**

AN ACT TO AUTHORIZE WAKE COUNTY TO ACCEPT GIFTS OF REAL PROPERTY FOR ROADWAY RESERVATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-158 is amended to designate the present statute as subsection (a).

Sec. 2. The following language is added as subsection (b) to G.S. 153A-158:

"(b) The County of Wake may accept gifts, grants, devises or any other lawful method other than by purchase or expenditure of public funds the fee of any parcel of real property for the purpose of holding said parcel for future roadway development."

Sec. 3. This act applies only to the County of Wake.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 603 **CHAPTER 338**

AN ACT TO PERMIT THE TOWN OF CORNELIUS TO USE CONDITIONAL USE ZONING DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Cornelius as enacted by Chapter 367 of the Private Laws of 1905 and amended by Chapter 48 of the 1959 Session Laws and Chapter 496 of the 1967 Session Laws is further amended by adding a new section to read:

"Sec. 6.1. In addition to the powers granted to the Town in G.S. 160A-381 *et seq.*, the Town may provide for the creation of conditional use zoning districts.

It is the purpose and intent of this section to permit the Town to create, through the legislative process, both general use districts, in which a variety of uses are permitted, and conditional use districts, in which limited uses are permitted only upon approval by the Town.

A person petitioning for rezoning of a tract of land where conditional use districts are authorized by ordinance, may elect to request a general use district or a conditional use district for the tract. If the petitioner elects to petition for the general use zoning, and if the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district. If the petitioner elects to petition for conditional use district zoning, the petition must specify the actual use or uses which are intended for the property specified in the petition. If the petition is for conditional use district zoning, the Town is to approve or disapprove the petition on the basis of the specific use or uses requested."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 621 **CHAPTER 339**

AN ACT TO AMEND THE DISTRIBUTION OF PROCEEDS FROM THE OPERATION OF LIQUOR STORES IN THE TOWN OF OCEAN ISLE BEACH.

The General Assembly of North Carolina enacts:

Section 1. The second paragraph of Section 6 of Chapter 344 of the 1961 Session Laws, as amended by Chapter 310 of the 1971 Session Laws and Chapter 406 of the 1975 Session Laws, is further amended to read:

"The net profits derived from the operation of said Alcoholic Beverage Control stores by the Town of Ocean Isle Beach Board of Alcoholic Control shall, on a quarterly basis, be paid to the General Fund of the Town of Ocean Isle Beach. The Town of Ocean Isle Beach shall make an annual contribution from the net proceeds from the operation of alcoholic beverage control stores to the three schools of the Shallotte Township and

Lockwood's Folly Township Districts of Brunswick County (Union Primary School, Shallotte Middle School, and West Brunswick High School) in amounts to be determined by the Ocean Isle Town Council."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 650 CHAPTER 340

AN ACT TO BRING MECKLENBURG COUNTY UNDER THE GENERAL LAW REGARDING SETTING SALARIES OF THE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 760, Session Laws of 1971, and Chapter 445, Session Laws of 1977 are repealed.

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 862 CHAPTER 341

AN ACT TO VALIDATE CERTAIN FORECLOSURE SALES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 45-21.46 is amended by designating the present paragraph subsection "(a)"; and by adding a new subsection to read:

"(b) All foreclosures of mortgages or deeds of trust secured by real estate pursuant to power of sale, which foreclosures were commenced on or subsequent to June 1, 1983, and consummated prior to April 1, 1985, in which foreclosure sales the requirements for posting and publication of notice of sale set forth in G.S. 45-21.17 were complied with but the requirements of the mortgage or deed of trust as to posting and publication of notice of sale were not complied with, are validated, ratified and confirmed and shall be effective to pass title to real estate to the same extent as though all requirements of the mortgage or deed of trust respecting posting and publication of notice of sale were complied with; unless an action to set aside such foreclosure is commenced in the period beginning January 1, 1984, and ending January 1, 1986."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

H.B. 916 **CHAPTER 342**

AN ACT TO CORRECT TECHNICAL ERRORS IN CHAPTER 14 OF THE 1985 SESSION LAWS, KENLY CHARTER REVISION.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Kenly, as contained in Section 1 of Chapter 14 of the 1985 Session Laws, is amended by rewriting Section 3.2 in Article III of the Charter to read:

"Sec. 3.2. *Election of the Council Members.* The Council members serving on the date of ratification of this Charter may continue to serve until expiration of their terms, or until their successors are elected and qualified. Council members shall continue to be elected and to serve on a four-year staggered term system. At the regular municipal election in 1985, and every four years thereafter, there shall be elected two Council members to fill the seats of those Council members whose terms are then expiring. At the regular municipal election in 1987, and every four years thereafter, there shall be elected three Council members to fill the seats of those Council members whose terms are then expiring."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1985.

S.B. 187 **CHAPTER 343**

AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE POWERS OF THE CITY MANAGER.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Charlotte, Chapter 713, Session Laws of 1965, as amended, is further amended by adding a new Section 4.25 to Chapter IV, Subchapter B, to read:

"Section 4.25. The City Manager may:

(1) Approve the acquisition by the City of real property having a value of ten thousand dollars ($10,000) or less.

(2) Approve certain contracts as provided in Section 9.82 of the Charter.

(3) Approve agreements permitting encroachments into setbacks and rights-of-way.

(4) Accept dedicated streets for City maintenance."

Sec. 2. Section 6.207 of the Charter of the City of Charlotte is amended by rewriting subdivision (3) to read:

"(3) unless such street be accepted as a public street by the City Manager."

Sec. 3. Section 9.22 of the Charter of the City of Charlotte as amended by Chapter 92, Session Laws of 1983, is amended by deleting the words and figures "three thousand dollars ($3,000)" in the last paragraph of that section and substituting the words and figures "ten thousand dollars ($10,000)."

Sec. 4. Section 9.82 of the Charter of the City of Charlotte as rewritten by Chapter 391, Session Laws of 1979, and as amended by Chapter 1140, Session Laws of 1981, is amended by deleting the words and figures "twenty thousand dollars ($20,000)" and substituting the words and figures "thirty thousand dollars ($30,000)" and by adding the following at the end of the section: "In addition, the City Manager is authorized to approve and execute amendments to contracts, including contracts initially approved by the City Council, when the amount in question does not exceed thirty thousand dollars ($30,000)."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

S.B. 6 **CHAPTER 344**

AN ACT TO DESIGNATE THE HORSEPASTURE RIVER A NATURAL RIVER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113A-35.2 is amended by adding a second paragraph to read:

"That segment of the Horsepasture River in Transylvania County extending downstream from Bohaynee Road (N.C. 281) to Lake Jocassee shall be a natural river and shall be included in the N.C. Natural and Scenic Rivers System."

Sec. 2. The Department of Natural Resources and Community Development shall, by January 1, 1986, prepare a management plan for the Horsepasture River section. This plan shall recognize and provide for protection of the existing undeveloped scenic and recreational features of the river and its gorge so as to preserve its outstandingly scenic character in perpetuity. Further, this management plan and the river corridor selected in it shall satisfy Federal requirements for the National Wild and Scenic Rivers System set forth in 16 U.S.C. Sections 1271 and 1273 (a)(ii) and (b) as amended and implementing regulations published in the Federal Register.

The General Assembly requests the Governor to seek inclusion of the Horsepasture River section in the National System of Wild and Scenic Rivers by action of the Secretary of the Interior. Such inclusion shall be at no cost to the Federal government, as prescribed in the National Wild and Scenic Rivers Act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

S.B. 188 **CHAPTER 345**

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE RELATING TO THE CIVIL SERVICE BOARD.

The General Assembly of North Carolina enacts:

Section 1. Section 4.61(2)(a) of the Charter of the City of Charlotte being Chapter 713, Session Laws of 1965, as amended by Chapter 85, Session Laws of 1975, is amended by rewriting the subdivision to read: "that applicants for employment in the fire department shall be at least 18 years of age, and".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

S.B. 191 **CHAPTER 346**

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE RELATING TO UPTOWN DEVELOPMENT PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. Section 7.109(c) of the Charter of the City of Charlotte, as added by Chapter 55, Session Laws of 1981, is amended by deleting the words "by purchase" as the same appears at the end of that subsection and substituting the words "by any means."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

S.B. 192 **CHAPTER 347**

AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE RELATING TO THE APPROVAL OF STREET NAME CHANGE REQUESTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter VI, Subchapter B, Article III of the Charter of the City of Charlotte being Chapter 713, Session Laws of 1965, is amended by adding a new section at the end of Article III to read:

"Section 6.209. The Charlotte-Mecklenburg Planning Commission may hear and approve requests to change or modify street names within the City of Charlotte. Any person dissatisfied with a decision of the Planning Commission may appeal to the City Council. In the event of an appeal, the City Council may affirm, modify, or overturn the decision of the Planning Commission. The decision of the City Council on appeal shall be final."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 135 **CHAPTER 348**

AN ACT TO ALLOW MEMBERS OF THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO TRANSFER MEMBER CONTRIBUTIONS IN THE TEACHERS' AND STATE EMPLOYEES' AND LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEMS TO THE SUPPLEMENTAL RETIREMENT INCOME PLAN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-56.2 is amended by adding a sentence to read:

"As an alternative to transferring any accumulated contributions from the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System to the Consolidated Judicial Retirement System, a member may irrevocably elect to transfer these contributions to the Supplemental Retirement Income Plan of North Carolina as determined by the Plan's Board of Trustees and the Department of State Treasurer in accordance with the provisions of G.S. 135-94(a)(4)."

Sec. 2. G.S. 128-27(f) and G.S. 135-5(f) are amended by adding a paragraph to read:

"Pursuant to the provisions of G.S. 135-56.2, a member who is also a member of the Consolidated Judicial Retirement System may irrevocably elect to transfer any accumulated contributions to the Consolidated Judicial Retirement System or to the Supplemental Retirement Income Plan and forfeit any rights in or to any benefits otherwise payable hereunder."

Sec. 3. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 194 **CHAPTER 349**

AN ACT TO REQUIRE THE CERTIFICATION OF ADULT DAY CARE PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 131D of the General Statutes is amended by adding a new section to read:

"§ 131D-6. *Certification of adult day care programs; purpose; definition; penalty.*—(a) It is the policy of this State to enable people who would otherwise need full-time care away from their own residences to remain in their residences as long as possible and to enjoy as much independence as possible. One of the programs that permits adults to remain in their residences and with their families is adult day care.

(b) As used in this section 'adult day care program' means the provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled. The Department of Human Resources shall annually inspect and certify all adult day care programs, under rules adopted by

the Social Services Commission. The Social Services Commission shall adopt rules to protect the health, safety, and welfare of persons in adult day care programs. These rules shall include minimum standards relating to management of the program, staffing requirements, building requirements, fire safety, sanitation, nutrition, and program activities.

The Department of Human Resources shall enforce the rules of the Social Services Commission.

(c) The Secretary may impose a civil penalty not to exceed one hundred dollars ($100.00) for each violation on a person, firm, agency, or corporation who willfully violates any provision of this section or any rule adopted by the Social Services Commission pursuant to this section. Each day of a continuing violation constitutes a separate violation.

In determining the amount of the civil penalty, the Secretary shall consider the degree and extent of the harm or potential harm caused by the violation.

The Social Services Commission shall adopt rules concerning the imposition of civil penalties under this subsection.

(c1) Any person, firm, agency, or corporation that harms or willfully neglects a person under its care is guilty of a misdemeanor.

(d) The following programs are exempted from the provisions of this section:

(1) those that care for three people or less;
(2) those that care for two or more persons, all of whom are related by blood or marriage to the operator of the facility;
(3) those that are required by other statutes to be licensed by the Department of Human Resources."

Sec. 2. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 415 **CHAPTER 350**

AN ACT TO PROVIDE A METHOD FOR ACTIVATING VOTERS WHEN A CITY HAS NOT HELD ITS MOST RECENT TWO ELECTIONS AND THE CHARTER OF THAT CITY IS REVISED.

The General Assembly of North Carolina enacts:

Section 1. Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-288.1A. *Activating voters when charter revised.*— Whenever a city has not held the most recent two elections required by its charter or this Chapter, and the General Assembly amends the charter of that city and provides that the county board of elections shall conduct the elections of that city, voters shall be activated for the elections of that city in accordance with G.S. 163-288.1 or G.S. 163-288.2. In such a case, the county shall prepare the map required by G.S. 163-288.1(a)."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 434 **CHAPTER 351**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HILLSBOROUGH.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Hillsborough is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF HILLSBOROUGH
"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Sec. 1.1. *Incorporation.* The Town of Hillsborough, North Carolina, in Orange County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Hillsborough,' hereinafter at times referred to as the 'Town'.

"Sec. 1.2. *Powers.* The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Hillsborough specifically by this Charter or upon municipal corporations by general law. The term 'general law' is employed herein as defined in G.S. 160A-1.

"Sec. 1.3. *Corporate Limits.* The corporate limits shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town Clerk and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made, and copies shall be filed in the offices of the Secretary of State, the Orange County Register of Deeds and the appropriate board of elections.

"ARTICLE II. MAYOR AND BOARD OF COMMISSIONERS.

"Sec. 2.1. *Governing Body.* The Mayor and Board of Commissioners shall be the governing body of the Town.

"Sec. 2.2. *Board of Commissioners; Composition; Terms of Office.* The Board of Commissioners, hereinafter referred to at times as the 'Board,' shall be composed of five members elected for staggered terms of four years, or until their successors are elected and qualified.

"Sec. 2.3. *Mayor; Term of Office; Duties.* The Mayor shall be elected for a term of two years, or until his or her successor is elected and qualified; shall be the official head of the Town government and preside at meetings of the Board; shall have the right to vote only when there is an equal division on any question or matter before the Board; and shall exercise the powers and duties conferred by law or as directed by the Board.

"Sec. 2.4. *Mayor Pro Tempore.* The Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in accordance with general law. The Mayor

Pro Tempore shall serve in such capacity at the pleasure of the other members of the Board.

"Sec. 2.5. *Meetings of the Board.* In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Sec. 2.6. *Ordinances and Resolutions.* The adoption, amendment, repeal, pleading and proving of Town ordinances and resolutions shall be in accordance with general law. All ordinances and resolutions shall be effective upon adoption unless otherwise provided.

"Sec. 2.7. *Voting Requirements; Quorum.* Official actions of the Board and all votes shall be taken in accordance with applicable voting and quorum provisions of general law, particularly G.S. 160A-74 and G.S. 160A-75.

"Sec. 2.8. *Compensation; Qualifications for Office; Vacancies.* The compensation and qualifications of the Mayor and Commissioners shall be in accordance with general law. Vacancies that occur in any elective office of the Town shall be filled by appointment of the Board as provided in G.S. 160A-63.

"ARTICLE III. ELECTIONS.

"Sec. 3.1. *Regular Municipal Elections.* Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. The Mayor and Commissioners shall be elected by the voters of the Town on an at-large basis, by the nonpartisan plurality method of election.

"Sec. 3.2. *Election of the Commissioners.* The Commissioners serving on the date of ratification of this Charter may continue to serve until expiration of their terms, or until their successors are elected and qualified. In the regular municipal election in 1985, and every four years thereafter, there shall be elected two Commissioners to serve as provided in Article II of this Charter. In the regular municipal election in 1987, and every four years thereafter, there shall be elected three Commissioners to serve as provided in Article II.

"Sec. 3.3. *Election of the Mayor.* The Mayor serving on the date of ratification of this Charter may continue to serve until the expiration of his or her term, or until a successor is elected and qualified. At the regular municipal election in 1985 and every two years thereafter, there shall be elected a Mayor to serve as provided in Article II.

"Sec. 3.4. *Special Elections and Referendums.* Special elections and referendums may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. *Form of Government.* The Town shall operate under the Mayor-Council form of government, in accordance with G.S. Chapter 160A, Article 7, Part 3.

"Sec. 4.2. *Town Clerk.* The Board shall appoint a Town Clerk to keep a journal of the proceedings of the Board; to maintain in a safe place all records and documents concerning the affairs of the Town; to give notice

of meetings of the Board; and to perform such other duties required by law or as the Board may direct.

"Sec. 4.3. *Town Tax Collector.* The Board shall appoint a Tax Collector to collect all taxes owed to the Town, subject to general law, this Charter and Town ordinances.

"Sec. 4.4. *Town Attorney.* The Board shall appoint a Town Attorney to serve at its pleasure, and to perform such legal duties as directed by the Board.

"Sec. 4.5. *Other Administrative Officers and Employees.* The Board may appoint other officers and employees, and may organize the administrative affairs of the Town as deemed appropriate, subject to the requirements of general law."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Hillsborough and to consolidate herein certain acts concerning the property, affairs and government of the Town. It is intended to continue without interruption those provisions of prior acts which are expressly consolidated into this act, so that all rights and liabilities which have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify or affect any of the following acts, portions of acts or amendments thereto, whether or not such acts are expressly set forth herein:

(1) Any acts concerning the property, affairs or government of public schools.

(2) Any acts validating, confirming, approving or legalizing official proceedings, actions, contracts or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted or having been consolidated into this act, are hereby repealed:

Chapter 13, Private Laws of 1759 (Martin, p.36)
Chapter 15, Private Laws of 1766 (Martin, p.47)
Crown Charter of Hillsborough, granted by King George III, July 9, 1770, signed by William Tryon, Provincial Governor of North Carolina (Colonial Records of North Carolina, Vol. VIII., pp. 215-217)
Chapter 16, Private Laws of 1777 (Martin, p.74)
Chapter 32, Private Laws of 1782 (Martin, p.104)
Chapter 50, Private Laws of 1784 (Martin, p.133)
Chapter 33, Private Laws of 1786 (Martin, p.172)
Chapter 47, Private Laws of 1787 (Martin, p.211)
Chapter 33, Private Laws of 1788 (Martin, p.217)
Chapter 60, Laws of N.C., 1792
Chapter 52, Laws of N.C., 1796
Chapter 76, Laws of N.C., 1799 (repealed only as applied to Town of Hillsborough)
Chapter 29, Laws of N.C., 1802
Chapter 26, Laws of N.C., 1803
Chapter 51, Laws of N.C., 1804
Chapter 60, Laws of N.C., 1807
Chapter 69, Laws of N.C., 1808
Chapter 74, Laws of N. C., 1811
Chapter 58, Laws of N.C., 1813

Chapter 31, Laws of N.C., 1814
Chapter 62, Private Laws of 1820
Chapter 152, Private Laws of 1830-31
Chapter 173, Private Laws of 1833-34
Chapter 113, Private Laws of 1856-57 (1857)
Chapter 51, Private Laws of 1873-74 (1874)
Chapter 99, Private Laws of 1876-77 (1877)
Chapter 251, Private Laws of 1901
Chapter 151, Private Laws of 1905
Chapter 60, Private Laws of 1907
Chapter 108, Private Laws of 1909
Chapter 91, Private Laws of 1917
Chapter 181, Private Laws of 1917
Chapter 86, Private Laws of 1921 (Extra Session)
Chapter 28, Private Laws of 1923
Chapter 74, Private Laws of 1925
Chapter 119, Public Laws of 1929
Chapter 107, Private Laws of 1935
Chapter 279, Session Laws of 1947
Chapter 265, Session Laws of 1957
Chapter 401, Session Laws of 1965
Chapter 114, Session Laws of 1967
Chapter 246, Session Laws of 1967 (repealed only as applied to the Town of Hillsborough)
Chapter 397, Session Laws of 1967
Chapter 142, Session Laws of 1971
Chapter 93, Session Laws of 1983

Sec. 5. No provision of this act is intended nor shall be construed to affect any rights or interests (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action previously taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law previously repealed expressly or by implication, and no law granting authority which has been exhausted, shall be construed to be revived by any provision of this act.

Sec. 7. All existing ordinances and resolutions of the Town of Hillsborough and all existing rules or regulations of departments or agencies of the Town not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified or amended.

Sec. 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending on the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by the ratification of this act.

Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect

without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 490 **CHAPTER 352**

AN ACT TO CLARIFY THE DUTY OF CANDIDATES, POLITICAL COMMITTEES, AND REFERENDUM COMMITTEES TO REPORT RECEIPTS AND EXPENDITURES RECEIVED OR MADE AFTER THE ELECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.6(4) is amended by adding the following at the end:

"Status as a candidate for the purpose of this Article continues if the individual is receiving contributions to repay loans or cover a deficit or is making expenditures to satisfy obligations from an election already held."

Sec. 2. G.S. 163-278.6(14) is amended by adding the following immediately before the period at the end of the first sentence:

", or which receives contributions to repay loans or cover a deficit, or which makes expenditures to satisfy obligations of an election already held".

Sec. 3. G.S. 163-278.6(18b) is amended by adding the following immediately before the period at the end:

", or which receives contributions to repay loans or cover a deficit, or which makes expenditures to satisfy obligations of a referendum already held".

Sec. 4. This act shall become effective September 1, 1985.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 494 **CHAPTER 353**

AN ACT TO CLARIFY THAT EXPENDITURE REPORTS SHALL INCLUDE THE NAME AND ADDRESS OF ALL INDIVIDUALS RECEIVING EXPENDITURES OVER A CERTAIN AMOUNT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.8(f) is amended by adding the following at the end:

"In the case of a nonmedia expenditure required to be accounted for individually and separately by this subsection, if the expenditure was to an individual, the report shall list the name and address of the individual."

Sec. 2. G.S. 163-278.8(f) is amended by deleting "twenty-five dollars ($25.00)" all five places those words appear, and substituting "fifty dollars ($50.00)".

Sec. 3. This act shall become effective September 1, 1985.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 496 **CHAPTER 354**

AN ACT TO PROVIDE THAT SAVINGS AND LOAN ASSOCIATIONS SHALL HAVE THE SAME POWER AS BANKS TO MAKE LOANS TO CANDIDATES OR POLITICAL COMMITTEES IN THE ORDINARY COURSE OF BUSINESS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.19(a)(1) is amended by adding immediately after the word "bank" the words "or federal or State savings and loan association"; and after the word "banking" the words "or savings and loan association".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 503 **CHAPTER 355**

AN ACT TO ALLOW THE CITY OF CONCORD TO ENTER INTO LEASES OF UP TO TWENTY YEARS WITHOUT BID, AND TO CLARIFY FINANCING AVAILABLE TO THE CITY AND ITS BOARD OF LIGHT AND WATER COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-272 is amended by deleting "10 years" and substituting "20 years" both places those words appear.

Sec. 2. The City of Concord and the Board of Light and Water Commissioners of the City of Concord shall have available to them all forms of financing normally available to municipalities and other institutions.

Sec. 3. This act applies to the City of Concord and the Board of Light and Water Commissioners of the City of Concord only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 572 **CHAPTER 356**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF APEX AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Apex is revised and consolidated to read.

"THE CHARTER OF THE TOWN OF APEX.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Sec. 1.1. *Incorporation.* The Town of Apex, North Carolina in the County of Wake, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Apex', hereinafter at times referred to as the 'Town'.

"Sec. 1.2. *Powers.* The Town of Apex shall have and may exercise all of the powers, duties, rights, privileges and immunities which are now or hereafter may be conferred, either expressly or by implication, upon the Town of Apex specifically or upon municipal corporations generally by this Charter, by the State Constitution, or by general or local law.

"Sec. 1.3. *Corporate Limits.* The corporate limits of the Town of Apex shall be those existing at the time of ratification of this Charter, as the same are now or hereafter may be constituted pursuant to law. An official map or description of the Town, showing the current Town boundaries, shall be maintained permanently in the office of the Town Clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits pursuant to law, the appropriate changes to the official map or description of the Town shall be made.

"ARTICLE II. MAYOR AND BOARD OF COMMISSIONERS.

"Sec. 2.1. *Governing Body.* The Mayor and Board of Commissioners, elected and constituted as herein set forth, shall be the governing body of the Town. On behalf of the Town, and in conformity with applicable laws, the Mayor and Board may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Sec. 2.2. *Mayor, Terms of Office, Duties.* The Mayor shall be elected by and from the qualified voters of the Town for a term of two years, in the manner provided by Article III of this Charter; provided, the Mayor shall serve until his successor is elected and qualified. The Mayor shall be the official head of the Town government, shall preside at all meetings of the Board of Commissioners, and shall have the powers and duties of Mayor as prescribed by this Charter and the General Statutes. The Mayor shall have the right to vote on matters before the Board only where there are an equal number of votes in the affirmative and in the negative.

"Sec. 2.3. *Board of Commissioners, Terms of Office.* The Board of Commissioners shall be composed of five members, each of whom shall be elected for terms of four years, in the manner provided by Article III of this Charter; provided, Board members shall serve until their successors are elected and qualified.

"Sec. 2.4. *Mayor Pro Tempore.* In accordance with applicable State laws, the Board of Commissioners shall appoint one of its members to act as Mayor pro tempore to perform the duties of the Mayor in the Mayor's absence or disability. The Mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

"Sec. 2.5. *Meetings of the Board.* In accordance with the applicable State laws, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held according to applicable provisions of the General Statutes.

"Sec. 2.6. *Ordinances and Resolutions.* The adoption, amendment, repeal, pleading or proving of Town ordinances and resolutions shall be in accordance with applicable provisions of the General Statutes of North Carolina not inconsistent with this Charter. Except as otherwise provided by law, all ordinances shall become effective upon adoption; provided, an ordinance may, by its own terms, specify some other time upon which it shall take effect. The enacting clause of all Town ordinances shall be: 'Be it ordained by the Board of Commissioners of the Town of Apex'.

"Sec. 2.7. *Voting Requirements, Quorum.* Official action of the Board shall, except as otherwise provided by law, be by majority vote, provided that a quorum, consisting of a majority of the actual membership of the Board, is present. Vacant seats are to be subtracted from the normal Board membership to determine the actual membership.

"Sec. 2.8. *Qualifications for Office, Vacancies, Compensation.* The compensation of Board members, the filling of vacancies on the Board, and the qualifications of Board members shall be in accordance with applicable provisions of the General Statutes.

"ARTICLE III. ELECTIONS.

"Sec. 3.1. *Regular Municipal Elections, Conduct.* Regular municipal elections shall be held in the Town every two years in odd-numbered years, and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the Board shall be elected according to the nonpartisan plurality election method.

"Sec. 3.2. *Election of the Mayor.* At the regular municipal election in 1985, and every two years thereafter, there shall be elected a mayor to serve a term of two years. The mayor shall be elected by the qualified voters of the Town voting at large.

"Sec. 3.3. *Election of Board Members.* At the regular municipal election in 1985 and every two years thereafter, there shall be elected by the qualified voters of the Town Board members to serve terms of four years each as follows: The offices of Board memberships now held by Commissioners Clarice D. Atwater, W. Nolan Cooke and James F. Ingram shall stand for election in 1985 and the offices of Board memberships now held by Commissioners Charles C. Bennett, Jr., and Jack H. Kerley shall stand for election in 1987. Thereafter, all Commissioners thus duly elected shall each serve for a term of four years or until their successor is duly elected and qualified.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. *Form of Government.* The Town shall operate under the Council-Manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 4.2. *Town Manager.* The Board of Commissioners shall appoint a Town Manager who shall be the administrative head of Town government, and who shall be responsible to the Board for the proper administration of the affairs of the Town. The Town Manager shall hold office at the pleasure of the Board of Commissioners, and shall receive such compensation as the Board shall determine. In exercising his duties as chief administrator, the Manager shall:

(1) Appoint and suspend or remove all Town officers and employees not elected by the people, except the Town Attorney and those whose appointment or removal is otherwise provided for by law, in accordance with such general personnel rules, regulations, policies or ordinances as the Board may adopt.

(2) Report to the Board of Commissioners each appointment or removal of an officer or employee at the next Board meeting following such appointment or removal.

(3) Direct and supervise the administration of all departments, offices and agencies of the Town, subject to the general direction and control of the Board, except as otherwise provided by law.

(4) Attend all meetings of the Board, unless excused therefrom, and recommend any measures that he deems expedient.

(5) Prepare and submit the annual budget and capital program to the Board.

(6) Keep the Board fully advised as to the financial condition of the Town and annually submit to the Board, and make available to the public, a complete report of the finances and administrative activities of the Town at the end of the fiscal year.

(7) Make any other reports that the Board may require concerning the operation of the Town departments, offices and agencies subject to his direction and control.

(8) Perform any other duties that may be required or authorized by the Board, or as required by law.

"Sec. 4.3. *Town Attorney.* The Board of Commissioners shall appoint a Town Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. Upon request by the Board of Commissioners, it shall be the duty of the Town Attorney to defend suits against the Town; to advise the Mayor, Board of Commissioners and other Town officials with respect to the affairs of the Town; to draft legal documents relating to the affairs of the Town; to inspect and pass upon agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend meetings of the Board of Commissioners, and to perform other duties as the Board may direct.

"Sec. 4.4. *Town Clerk.* The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board, to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board of Commissioners may direct.

"Sec. 4.5. *Town Finance Officer.* The Town Manager shall appoint a Town Finance Officer to perform the duties of the finance officer as required by the Local Government Budget and Fiscal Control Act.

"Sec. 4.6. *Town Tax Collector.* The Town Manager shall appoint a Town Tax Collector to collect all taxes, licenses, fees and other revenues accruing to the Town, subject to the General Statutes, the provisions of this Charter and the ordinances of the Town. The Town Tax Collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes and other revenues by municipalities.

"Sec. 4.7. *Consolidation of Functions.* The Board of Commissioners may provide for the consolidation of any two or more positions of Town Manager, Town Clerk, Town Tax Collector and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act.

"Sec. 4.8. *Other Administrative Officers and Employees.* Consistent with applicable State laws, the Board of Commissioners may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town.

"ARTICLE V. PUBLIC IMPROVEMENTS.

"Sec. 5.1. *Assessments for Street and Sidewalk Improvements; Petition Unnecessary.* (a) In addition to any authority which is now or hereafter may be granted by general law to the Town for making street improvements the Board of Commissioners is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Section.

(b) The Board of Commissioners may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes without the necessity of a petition, upon the finding by the Board as fact:

(1) That the street improvement project does not exceed 2,000 linear feet, and

(2) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvements, or

(3) That it is in the public interest to connect two streets, or portions of a street already improved, or

(4) That it is in the public interest to widen a street, or part thereof, which is already improved, provided, that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving such streets in accordance with the street classification and thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

(c) For the purpose of this Article, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

(d) In addition to any authority which is now or may hereafter be granted by general law to the Town for making sidewalk improvements, the Board is hereby authorized without the necessity of a petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total cost thereof against abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes; provided however, that regardless of the assessment basis or bases employed, the Board of Commissioners may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.

(e) In ordering street or sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the Board shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

(f) The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"Sec. 5.2. *Establishment of Proposed Street Lines.* (a) Whenever, in the opinion of the Board of Commissioners, it is in the best interest of the Town to do so, the Board may make provision for the ultimate widening or extension or both of existing streets and for opening new streets, and for the gradual acquisition of the lands necessary for such improvements, in accordance with the procedure established by this Section.

(b) Platting of Proposed Street Lines. From and after the time of adoption of a major street plan by the Board of Commissioners and the Board of Transportation pursuant to provisions of G.S. 136-66.2, the Board shall have power to request, make, or cause to be made, from time to time, surveys for the exact locating of the lines of new, extended, widened or narrowed streets and highways in the whole or any portion of the Town and the area within its outside zoning and subdivision control jurisdiction. Personnel making such surveys are empowered to enter upon lands, make examinations or surveys, and place and maintain necessary monuments thereon, at reasonable times and with due care for the property. A plat or plats of the area or areas thus surveyed shall be prepared on which are indicated the locations of the lines recommended as the planned or mapped lines of future streets, street extensions, street widenings, or street narrowings. The preparation of such plat or plats shall not in and of itself constitute or be deemed to constitute the opening or establishment of any streets or the taking or acceptance of any land for street purposes.

(c) Adoption of Official Map; Hearing; Notice. Following the preparation of such plats, the Board may officially adopt a map or maps of planned new streets and highways, extensions, widenings, narrowings, or vacations of streets within the Town and the territory within its

extraterritorial zoning and subdivision control jurisdiction. Before taking any such action, the Board shall hold a public hearing thereon, notice of the time and place of which shall have been given once a week for two successive weeks in a newspaper having general circulation in the Town and by posting such notice at four public places in the Town and at four public places within the affected area outside the corporate boundaries. Such notice shall be published or posted for the first time not less than 15 days prior to the date fixed for said hearing. Following adoption of such map or maps the Board shall certify a copy to the Register of Deeds of Wake County, which copy shall be duly filed. The placing of any street or street line upon any official map or maps shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

(d) Right of Town to Acquire Property Before Improvement. From and after the time of adoption and certification to the Register of Deeds of any such map or maps, it shall be unlawful to build upon any land within the lines of proposed streets shown thereon or to repair or otherwise improve any existing buildings within such lines until the Board shall have been given an opportunity to purchase or otherwise acquire the property for street purposes as provided by this Section. To that end, any person proposing to build upon such land or to make repairs or improvements to any existing building on such land shall, in writing, notify the Board of the nature and estimated cost of such building, repairs or improvements. The Board shall then determine whether it will take necessary steps to acquire the land prior to construction of said building or the making of said repairs or improvements. If the Board fails, within 60 days from the receipt of such notice, to acquire, adopt a formal resolution directing an appropriate officer to acquire, or institute condemnation proceedings to acquire the property, then the owner or other person giving notice may proceed to erect the building or to make the repairs or improvements described in such notice. The building inspector is authorized to withhold and refrain from issuing, for a period not exceeding 60 days from receipt by the Board of the notice herein prescribed, any building permit for the erection of any building within the lines, or for the making of any repairs or improvements to existing buildings within such lines.

(e) Failure to Give Written Notice; Bar to Recovery for Value of Improvements. If any person, firm or corporation builds upon any land included within the proposed street lines, or repairs or otherwise improves that part of any existing building within such lines, without giving the Board an opportunity to acquire the property free from improvements, as provided in this Section, the Board shall not be required to pay for the value of such building, repairs, or improvements in any proceeding subsequently brought to acquire the land for the purpose shown on the officially adopted map or maps.

(f) Failure of the Town to Act; No limit to Subsequent Condemnation. The failure of the Board of Commissioners to take action under Subsection (d) of this Section within 60 days after notice shall not have the effect of limiting the right of the Board at any subsequent time to condemn the land in question. In such case, however, the owner shall be entitled to full compensation as now provided by law for the building, repairs, or

improvements made after the failure of the Board to take action within the prescribed period.

"Sec. 5.3. *Acceptance of Dedications.* In addition to any other authority granted the Town to acquire land for streets and other purposes, the Town shall have power to accept by resolution the dedication of any land or interest in land for street, utility or other Town purposes, both inside and outside the coporate limits, whether such dedication is made or offered by deed, by recorded plat or otherwise. Notwithstanding the provisions of G.S. 136-96 or any other provisions of law, the acceptance of a street or street easement by resolution adopted pursuant to this Section shall constitute a completed dedication and acceptance, and such dedication shall not thereafter be withdrawn except with written permission of the Board.

"Sec. 5.4. *Cleaning and Repair of Sidewalks.* It shall be the duty of every property owner in the Town to maintain in good and safe repair and to keep clean and free of debris, trash, ice, snow, and other obstacles upon the sidewalks abutting his property.

The Board of Commissioners may by ordinance establish a procedure whereby Town employees may repair or may clean any sidewalk or remove therefrom any debris, trash, ice or snow upon failure of the abutting property owner, after adequate notice and opportunity to be heard, to do so. In such event, the cost of such repair, cleaning, or removal shall become a lien upon the abutting property equivalent to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the Town or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real estate for ad valorem taxes.

"ARTICLE VI. SPECIAL PROVISIONS.

"Sec. 6.1. *Police Officers' Jurisdiction.* All policemen and other law enforcement officers of the Town charged with the duty of making arrests or otherwise enforcing the criminal laws are hereby authorized and empowered to make arrests, enforce the criminal laws and to serve any and all process at any point or place in Wake County within a distance of one mile from the corporate limits of the Town, but not within the corporate limits of any other municipality.

"Sec. 6.2. *Settlement of Claims.* The Board of Commissioners may authorize the Town Manager to settle claims against the Town for personal injury or damage to property when the amount involved does not exceed the sum of one thousand dollars ($1,000) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred. All such settlements shall be approved by the Town Attorney.

"Sec. 6.3. *Conditional Use Zoning.* (a) In addition to the authority contained in Article 19 of Chapter 160A of the General Statutes, the Town may provide within its land use ordinance for the creation and amendment of conditional use zoning districts in accordance with the provisions of this Section and other applicable law. Within a conditional use district, uses

shall be permissible only upon the issuance by the Board of Commissioners of a conditional use permit. This differentiates these conditional use districts from general use districts, in which a variety of uses are permissible, but subject to specific site development standards.

(b) In establishing any conditional use district, the Board of Commissioners may, in lieu of setting forth all of the regulations applicable to such district, incorporate by reference all of the regulations applicable to any other general use zoning district created by the Town's land use ordinance, subject to such exceptions and additions as the Board, in the exercise of its legislative discretion, deems appropriate. The ordinance creating the conditional use district may not set forth exceptions that are less stringent than those of the referenced general use district, but may provide (by way of illustration without limitation) that only one or a few of the uses permitted within the referenced general use district shall be permissible within the conditional use district, or that increased setback distances shall apply within the conditional use district.

(c) A conditional use zoning district may be applied to particular property only upon the submission by the property owner or a person acting on his behalf of a petition seeking an amendment to the official zoning map to have the zoning classification of his property changed to such conditional use zoning district.

"Sec. 6.4. *Overlay Districts.* (a) In addition to the authority conferred in Article 19 of Chapter 160A of the General Statutes, the Town may provide within its land use ordinance for the creation and amendments of overlay zoning districts in accordance with the provisions of this section and the applicable law. These overlay districts may be applied to certain designated areas within which development should be made subject to certain restrictions over and above those applicable to the underlying general use districts.

(b) Overlay districts may be established in designated areas where critical concern is recognized for protection of natural systems (such as the groundwater, surfacewater, drainageways, flood hazard areas, areas of poor soils, etc.), and for promotion of quality in man-made systems (such as preserving or improving scenic views along major thoroughfares, etc.), or for achieving other public objectives (such as infill development or other forms of revitalization) in specially designated areas.

(c) Within these overlay districts, any development that occurs must be in compliance not only with the regulations applicable to the underlying general use districts but also with the additional requirements of the overlay districts. In instances of conflict, the overlay district regulations shall take precedence."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Apex and to consolidate herein certain acts concerning the property, affairs and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify or in any manner affect any of the following acts, portions of acts, or amendments

thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(1) Any acts concerning the property, affairs or government of public schools in the Town of Apex.

(2) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed: Chapter 996 of the Session Laws of 1951, except for Section 34 of that act; and Chapter 581 of the Session Laws of 1957. All clauses of laws omitted from this section and in conflict with the provisions of this act are also hereby repealed.

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests, whether public or private:

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

(2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the Town of Apex and all existing rules or regulations of departments or agencies of the Town of Apex, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature, whether civil or criminal, judicial or administrative, or otherwise, pending at the effective date of this act by or against the Town of Apex or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec. 10. This act is effective upon its ratification; provided, that the Mayor and Board of Commissioners in office at the time this Charter takes effect shall continue in office until their successors are elected and qualify.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 690 **CHAPTER 357**

AN ACT CONCERNING LOCAL MATTERS IN ORANGE AND CHATHAM COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 660 of the Session Laws of 1969 (the Carrboro Town Charter) is amended by adding a new section to read:

"Sec. 5.05. *Off-Street Parking Fund.* The Board of Aldermen may establish a fund into which payments from individual firms, persons, corporations, or property owners shall be deposited for the purpose of providing off-street parking facilities, and from which appropriations shall be made exclusively for the purpose of organizing, establishing, developing, or enlarging off-street parking facilities within the Town. The Board of Aldermen may provide in its land use ordinance that all developers must either provide adequate off-street parking (on site or off site) to serve their developments, or pay a fee to the Town's off-street parking facilities fund based on the number of required parking spaces not provided."

Sec. 2. Chapter 660 of the Session Laws of 1969 (the Carrboro Town Charter) is amended by adding a new Article to Chapter V, Subchapter E, to read:

"ARTICLE 4. IMPACT FEES.

"Sec. 5.131. *Impact Fees Authorized.* (a) The Board of Aldermen may provide by ordinance for a system of impact fees to be paid by developers to help defray the costs to the town of constructing certain capital improvements, the need for which is created in substantial part by the new development that takes place within the town and its extraterritorial planning area.

(b) For purposes of this Article, the term capital improvements includes capital improvements to public streets, bridges, sidewalks, bikeways, and on and off street surface water drainage ditches, pipes, culverts, and other drainage facilities.

(c) An ordinance adopted under this Article may be made applicable to all development that occurs within the town and its extraterritorial planning area, as established by local act or pursuant to the procedures set forth in G.S. 160A-360.

(d) The town may, with the approval of the Orange County Board of Commissioners, construct capital improvements outside the town limits but within the town's extraterritorial planning area and may cooperate with the State in the construction of capital improvements to State highway system streets within this area as well as within the town.

"Sec. 5.132. *Amount of Fees.* (a) In establishing the amount of any impact fee, the town shall endeavor to approach the objective of having every development contribute to a capital improvements fund an amount of revenue that bears a reasonable relationship to that development's fair share of the costs of the capital improvements that are needed in part because of that development. In fulfilling this objective, the Board of Aldermen shall, among other steps and actions:

(1) Estimate the total cost of improvements by category (e.g., streets, sidewalks, drainage ways, etc.) that will be needed to provide in a reasonable manner for the public health, safety and welfare of persons residing within the town and its extraterritorial planning area during a reasonable planning period not to exceed 20 years. The Board may divide the town and its extraterritorial area into two or more districts and estimate the costs of needed improvements within each district. These estimates shall be periodically reviewed and updated, and the planning period used may be changed from time to time.

(2) Establish a percentage of the total costs of each category of improvement that, in keeping with the objective set forth above, should fairly be borne by those paying the impact fee.

(3) Establish a formula that fairly and objectively apportions the total costs that are to be borne by those paying impact fees among various types of developments. By way of illustration without limitation:

a. In the case of street improvements, the impact fee may be related to the number of trips per day generated by different types of uses according to recognized estimates;

b. In the case of drainage improvements, the impact fee may be related to the size of a development, the amount of impervious surface the development has, or other factors that bear upon the degree to which a development contributes to the need for drainage improvements made at public expense.

"Sec. 5.133. *Capital Improvements Reserve Funds; Expenditures.* (a) Impact fees received by the town shall be deposited in a capital improvements reserve fund or funds established under Chapter 159 of the General Statutes, Article 3, Part 2. Such funds may be expended only on the type of capital improvements for which such impact fees were established, and then only in accordance with the provision of subsection (b) of this section.

(b) In order to ensure that impact fees paid by a particular development are expended on capital improvements that benefit that development, the town shall establish for each category of capital improvement for which it collects an impact fee at least two geographical districts or zones, and impact fees generated by developments within those districts or zones must be spent on improvements that are located within or that benefit property located within those districts or zones.

"Sec. 5.134. *Credits for Improvements.* An ordinance adopted under this Article shall make provision for credits against required fees when a developer installs improvements of a type that generally would be paid for by the town out of a capital reserve account funded by impact fees. The ordinance may spell out the circumstances under which a developer will be allowed to install such improvements and receive such credits.

"Sec. 5.135. *Appeals Procedure.* An ordinance adopted under this Article may provide that any person aggrieved by a decision regarding an impact fee may appeal to the Carrboro Board of Adjustment. If the ordinance establishes an appeals procedure, it shall spell out the time within which the appeal must be taken to the board of adjustment, the

possible grounds for an appeal and the board's authority in the matter, whether the fee must be paid prior to resolution of the appeal, and other procedural or substantive matters related to appeals. Any decision by the board of adjustment shall be subject to review by the superior court by proceedings in the nature of *certiorari* in the same manner as is provided in G.S. 160A-388(e).

"Sec. 5.136. *Payment of Impact Fees.* An ordinance adopted under this Article shall spell out when in the process of development approval and construction impact fees shall be paid and by whom. By way of illustration without limitation, the ordinance may provide that an applicant for a building permit shall submit the impact fee along with the permit application and that building permits shall not be issued until the impact fee has been paid.

"Sec. 5.137. *Refunds.* If this Article or any ordinance adopted thereunder is declared to be unconstitutional or otherwise invalid, then any impact fees collected shall be refunded to the person paying them together with interest at the rate established under G.S. 105-241.1, being the same rate paid by the Secretary of Revenue on refunds for tax overpayments.

"Sec. 5.138. *Limitations on Actions.* (a) Any action contesting the validity of an ordinance adopted under this Article must be commenced not later than nine months after the effective date of such ordinance.

(b) Any action seeking to recover an impact fee must be commenced not later than nine months after the impact fee is paid."

Sec. 3. Chapter 660 of the Session Laws of 1969 (the Carrboro Town Charter) is amended by adding a new section to Chapter VII to read:

"Sec. 8.02. *Recreation Fees in Lieu of Facilities.* The Board of Aldermen may establish a fund into which payments from developers or property owners may be deposited for the purpose of providing open space areas or recreational facilities and from which appropriations shall be made exclusively for the purpose of acquiring or improving open space areas or recreational facilities that are reasonably expected to benefit or serve the residents of the development generating such funds. The Board of Aldermen may provide in its land use ordinance that all developers or developers of certain types of projects shall either provide open space and recreational facilities according to standards set forth in the ordinance or pay a fee in accordance with a town-established schedule to the town's open space and recreational facilities fund. The town may also provide in the land use ordinance that under specified circumstances such fee shall be required in lieu of the reservation or dedication of open space or recreational facilities."

Sec. 4. G.S. 153A-18 is amended by adding a new subsection (c) to read:

"(c) Two or more counties may establish the boundary between them pursuant to subsection (a), above, by the use of base maps prepared from orthophotography, which base maps show the monuments of the United States Geological Survey and North Carolina State Plane Coordinate System established pursuant to Chapter 102 of the General Statutes. Upon ratification of the location of the boundary determined from orthophotography by the board of commissioners of each county, the map

showing the boundary and the monuments of the United States Geological Survey and North Carolina State Plane Coordinate System shall be recorded in the Office of the Register of Deeds of each county and in the Secretary of State's office. The map shall contain a reference to the date of each resolution of ratification and to the page in the minutes of each board of commissioners where the resolution may be found. Upon recordation, the map is conclusive as to the location of the boundary."

Sec. 5. Section 4 of this act applies to Orange and Chatham Counties only.

Sec. 6. Chapter 660 of the Session Laws of 1969, (the Carrboro Town Charter) is amended by adding a new Section 5.90 to read:

"Sec. 5.90. *Sprinkler Systems.* Notwithstanding any provision of the North Carolina State Building Code or any general or local law to the contrary, the Board of Aldermen may adopt an ordinance requiring that sprinkler systems be installed in all of the following types of buildings constructed within the town or its extraterritorial planning jurisdiction: (i) buildings in excess of 50 feet in height; (ii) nonresidential buildings containing at least 5,000 square feet of floor surface area; or (iii) buildings designed for assembly occupancy (as defined in the North Carolina State Building Code) that accommodate more than 25 people. This ordinance applies to existing buildings only to the extent and under the circumstances that the provisions of the North Carolina State Building Code apply to preexisting buildings."

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 780 **CHAPTER 358**

AN ACT TO CLARIFY SECTION 96-29 OF THE EMPLOYMENT SECURITY LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-29 is rewritten to read:

"§ 96-29. *Openings listed by State agencies.*—Every State agency shall list with the Employment Security Commission of North Carolina every job opening occurring within the agency which opening the agency wishes filled and which will not be filled solely by promotion or transfer from within the existing State government work force. The listing shall include a brief description of the duties and salary range and shall be filed with the Commission within 30 days after the occurrence of the opening. The listing agency shall report to the Commission the filling of any listed opening within 15 days after the opening has been filled."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 836 **CHAPTER 359**

AN ACT TO REGULATE PUBLIC HEALTH PHARMACY PRACTICE.

The General Assembly of North Carolina enacts:

Section 1. Article 4A of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-85.34.1. *Public health pharmacy practice.*—(a) A registered nurse in a local health department clinic may dispense prescription drugs and devices, other than controlled substances as defined in G.S. 90-87, under the following conditions:

(1) The registered nurse has training acceptable to the Board in the labeling and packaging of prescription drugs and devices;
(2) Dispensing by the registered nurse shall occur only at a local health department clinic;
(3) Only prescription drugs and devices contained in a formulary recommended by the Department of Human Resources and approved by the Board shall be dispensed;
(4) The local health department clinic shall obtain a pharmacy permit in accordance with G.S. 90-85.21;
(5) Written procedures for the storage, packaging, labeling and delivery of prescription drugs and devices shall be approved by the Board; and
(6) The pharmacist-manager, or another pharmacist at his direction, shall review dispensing records at least weekly, provide consultation where appropriate, and be responsible to the Board for all dispensing activity at the local health department clinic.

(b) This section is applicable only to prescriptions issued on behalf of persons receiving local health department clinic services and issued by an individual authorized by law to prescribe drugs and devices.

(c) This section does not affect the practice of nurse practitioners pursuant to G.S. 90-18.2 or of physician assistants pursuant to G.S. 90-18.1."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.

H.B. 446 **CHAPTER 360**

AN ACT TO PREVENT TAKING WILD TURKEYS WITH RIFLES.

The General Assembly of North Carolina enacts:

Section 1. Paragraph (1) of subsection (a) of G.S. 113-291.1 is amended to read as follows:

"(1) With a rifle, except that rifles may not be used in taking wild turkeys."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 10th day of June, 1985.

H.B. 515 **CHAPTER 361**

AN ACT TO AMEND CHAPTER 35 AND CHAPTER 108A REGARDING THE APPOINTMENT OF DISINTERESTED PUBLIC AGENTS AND OTHERS AS GUARDIANS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 35-1.7(4) is amended by adding the following new sentences:

"A disinterested public agent who is appointed a guardian shall serve in this capacity by virtue of his office or employment, which shall be identified in the clerk's order issued pursuant to G.S. 35-1.16(g) or G.S. 35-1.17. When the disinterested public agent's office or employment terminates, his successor in office or employment or his immediate supervisor, if there is no successor, shall succeed him as guardian unless the clerk shall otherwise order."

Sec. 2. G.S. 35-2 is amended in the first paragraph by inserting immediately before the last sentence the following new sentence:

"The clerk may appoint as guardian any person or entity specified in G.S. 35-1.28 and in so doing shall follow the priorities established in G.S. 35-1.29."

Sec. 3. G.S. 108A-15 is rewritten to read:

"§ 108A-15. *Social services officials and employees as public guardians.*—The director and assistant directors of social services of each county may serve as guardians for adults adjudicated incompetent under the provisions of Chapter 35, Articles 1A and 2, and they shall do so if ordered to serve in that capacity by the clerk of superior court having jurisdiction of a guardianship proceeding brought under either Article."

Sec. 4. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 10th day of June, 1985.

H.B. 614 **CHAPTER 362**

AN ACT TO INCREASE CERTAIN FEES CHARGED BY THE BOARD OF MEDICAL EXAMINERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-15 is amended in the second sentence by deleting "one hundred dollars ($100.00)" and substituting "two hundred fifty dollars ($250.00)".

Sec. 2. G.S. 90-15 is further amended in the third sentence by deleting "of fifty dollars ($50.00)" and substituting "not to exceed one hundred fifty dollars ($150.00)" and by deleting "ten dollars ($10.00)" and substituting "twenty-five dollars ($25.00)".

Sec. 3. G.S. 90-15 is further amended in the fourth sentence by deleting "ten dollars ($10.00)" and substituting "twenty-five dollars ($25.00)".

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1985.

H.B. 630 **CHAPTER 363**

AN ACT TO PERMIT ELECTROFISHING FOR CATFISH IN A PORTION OF THE CAPE FEAR RIVER IN BLADEN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, a person who holds a current and valid special device license as defined in G.S. 113-272.2 may use a hand-operated device which generates an electric current for taking catfish.

Sec. 2. This act applies only to the portion of the Cape Fear River between Lock Number One and Lock Number Three, in Bladen County.

Sec. 3. This act shall expire on July 1, 1987.

Sec. 4. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 10th day of June, 1985.

H.B. 669 **CHAPTER 364**

AN ACT TO INCREASE CERTAIN FEES FOR ARCHITECTS.

The General Assembly of North Carolina enacts:

Section 1. The table fees found in G.S. 83A-4 is amended in the following manner: Each numbered line should be read:

"The fee for *Column A* is amended by deleting *Column B* and substituting *Column C*."

	Column A	*Column B*	*Column C*
(1)	Individual-Resident	$25.00	$50.00
(2)	Corporate	$50.00	$75.00
(3)	Reexamination	$15.00	$25.00
	Annual License Renewal		
(4)	Individual	$40.00	$75.00
(5)	Corporate	$50.00	$100.00
	Late Renewal Penalty		
(6)	Up-to-30 days	$25.00	$50.00
(7)	Reciprocal registration	$75.00	$150.00

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1985.

H.B. 681 **CHAPTER 365**

AN ACT TO IMPOSE COMPARABLE LICENSE FEES ON OUT-OF-STATE FISHERMEN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-152(c)(4a) is amended by adding after the words "two hundred dollars ($200.00)" the following words "or an amount equal to the nonresident fee charged by the nonresident's state, whichever is greater,".

Sec. 2. G.S. 113-153 is amended by adding at the end of the last sentence of the section the following words "if such persons are in possession of a valid license from their state of residence".

Sec. 3. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1985.

S.B. 265 **CHAPTER 366**

AN ACT TO AUTHORIZE THE STATE REGISTRAR TO RETAIN OVERPAYMENTS OF THREE DOLLARS OR LESS UNLESS THE PAYOR REQUESTS A REFUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-92 is amended by adding a new subsection (b) to read as follows:

"(b) The State Registrar may retain payments made in excess of the fees established by this Article if the overpayment is in the amount of three dollars ($3.00) or less and the payor does not request a refund of the overpayment. The State Registrar is not required to notify the payor of any overpayment of three dollars ($3.00) or less."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1985.

H.B. 121 **CHAPTER 367**

AN ACT TO PROHIBIT CHIROPRACTORS FROM COLLECTING FEES IN CONNECTION WITH FREE SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-154(b) is amended by adding a new subdivision to read:

"(16) Violating the provisions of G.S. 90-154.1."

Sec. 2. G.S. 90-154(b)(15) is amended by changing the period at the end to a semicolon.

Sec. 3. Article 8 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-154.1. *Collection of certain fees prohibited.*—(a) Any patient or any other person responsible for payment has the right to refuse to pay,

cancel payment, or be reimbursed for payment for any service, examination, or treatment which is performed as a result of and within 72 hours of responding to any advertisement for a free service, free examination, or free treatment, and is referred to in the advertisement.

(b) In any written advertisement for a free service, free examination, or free treatment by a chiropractor, the language of subsection (a) shall appear in capital letters clearly distinguishable from the rest of the text, any further treatment shall be agreed upon in writing and signed by both parties.

(c) In any broadcast advertisement for a free service, free examination, or free treatment by a chiropractor, the language of subsection (a), or an accurate summary of that subsection, shall be read at the conclusion of the advertisement."

Sec. 4. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 10th day of June, 1985.

S.B. 268 **CHAPTER 368**

AN ACT TO PROVIDE FOR INITIAL RANDOMIZATION OF THE BIENNIAL JURY LIST IN COUNTIES USING ELECTRONIC DATA PROCESSING EQUIPMENT FOR JURY SELECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 9-2.1 is amended by designating the current section as subsection (a) and adding a new subsection (b) to read as follows:

"(b) To facilitate random selection of jurors, all the names on the biennial jury list may be sorted into random order before the first venire is drawn. Thereafter, names may be selected sequentially from the randomized list without further randomization, except as required by G.S. 15A-1214. Public access to the jury list as required by G.S. 9-4 shall be limited to an alphabetical listing of the names. Access to the randomized list shall be prohibited."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1985.

S.B. 173 **CHAPTER 369**

AN ACT TO AMEND G.S. 54B-14 CONCERNING EXAMINATION OF CERTIFICATES OF INCORPORATION OF SAVINGS AND LOAN ASSOCIATIONS BY THE SECRETARY OF STATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 54B-14 is amended by deleting the first two sentences of subsection (c) and substituting the following:

"(c) Upon receipt of the certificate of approval, the original of the certificate of incorporation, and the two conformed copies, the Secretary of State shall, upon the payment by the newly chartered association of the appropriate organization tax and fees, file the certificate of

incorporation in accordance with G.S. 55-4. He shall certify under his official seal the two conformed copies of the certificate of incorporation, one of which shall forthwith be forwarded to the incorporators or their representative, for the purpose of recordation in the office of the register of deeds of the county where the principal office of the association shall be located, in accordance with G.S. 55-4(a)(6), the other of which shall be forwarded to the office of the Administrator for filing."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1985.

S.B. 193 **CHAPTER 370**

AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as amended, is amended by rewriting Section 3.03 to read:

"Sec. 3.03. Compensation. The salary of each Council member shall be in such amounts as established by the City Council from time to time."

Sec. 2. Section 3.22 of the Charter of the City of Charlotte is rewritten to read:

"Sec. 3.22. Meetings. The City Council shall fix suitable times for its regular meetings. The Mayor, or in the absence of the Mayor, the Mayor Pro Tempore, or a majority of the members of the City Council may call special or emergency meetings upon compliance with the provisions of Article 33C of Chapter 143 of the General Statutes."

Sec. 3. Section 3.23(b) of the Charter of the City of Charlotte, as rewritten by Chapter 140, Session Laws of 1971, is amended by deleting "General Statute 160-176", and substituting "G.S. 160A-385", and by deleting the following sentence in its entirety:

"All final votes of the City Council involving the expenditure of three thousand dollars ($3,000) or more shall be by yeas and nays and shall be entered upon the records."

Sec. 4. Section 3.25 of the Charter of the City of Charlotte is amended by deleting the words "Recorder or Vice Recorder of said city" and by substituting the words "Mecklenburg County Superior Court".

Sec. 5. Sec. 3.62(b) of the Charter of the City of Charlotte is amended by rewriting the first sentence to read:

"The Mayor shall sign all written contracts or obligations of the City except those contracts or obligations signed by the City Manager pursuant to Section 9.82 of this Charter, and no contract of the City required to be in writing shall be binding upon the City until signed by the Mayor or City Manager, as appropriate."

Sec. 6. Section 3.63 of the Charter of the City of Charlotte is rewritten to read:

"Sec. 3.63. Compensation. The salary of the Mayor shall be in such amounts as established from time to time by the City Council."

Sec. 7. Subchapter C of Chapter V of the Charter of the City of Charlotte is repealed.

Sec. 8. Subchapter D of Chapter V of the Charter of the City of Charlotte is repealed.

Sec. 9. Subchapter A of Chapter IX of the Charter of the City of Charlotte, having been preempted by G.S. 1-539.16, is repealed.

Sec. 10. This act is effective upon ratification, but Section 9 does not apply to claims pending on July 2, 1981.

In the General Assembly read three times and ratified, this the 11th day of June, 1985.

S.B. 251 **CHAPTER 371**

AN ACT TO CLARIFY THE FAIR HOUSING ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 41A-6(2) is rewritten to read:

"(2) The rental of a room or rooms in a private house, not a boarding house, if the lessor or a member of his family resides in the house;".

Sec. 2. G.S. 41A-6 is amended by changing the period at the end of subdivision (6) to a semicolon and by adding at the end a new subdivision to read:

"(7) The sale, rental, exchange, or lease of commercial real estate. For the purposes of this Chapter, commercial real estate means real property which is not intended for residential use."

Sec. 3. G.S. 41A-7(a) is rewritten to read:

"(a) Any person who claims to have been injured by an unlawful discriminatory housing practice or who reasonably believes that he will be irrevocably injured by an unlawful discriminatory housing practice may file a complaint with the North Carolina Human Relations Council. Complaints shall be in writing, shall state the facts upon which the allegation of an unlawful discriminatory housing practice is based, and shall contain such other information and be in such form as the Council requires. Council employees shall assist complainants in reducing complaints to writing and shall assist in setting forth the information in the complaint as may be required by the Council. Within 10 days after receipt of the complaint, the Director of the Council shall furnish a copy of the complaint to the person who allegedly committed or is about to commit the unlawful discriminatory housing practice."

Sec. 4. G.S. 41A-7(d) is rewritten to read:

"(d) Complaints may be resolved at any time by informal conference, conciliation, or persuasion. Nothing said or done in the course of such informal procedure may be made public by the Council or used as evidence in a subsequent proceeding under this Chapter without the written consent of the person concerned."

Sec. 5. G.S. 41A-7 is amended by redesignating subsection (e) as subsection (j) and adding the following new subsections to read:

"(e) Upon receipt of a complaint, the Council shall investigate the complaint to ascertain the facts relating to the alleged unlawful discriminatory housing practice. If the complaint is not resolved before the

investigation is complete, upon completion of the investigation, the Council shall determine whether or not there are reasonable grounds to believe that an unlawful discriminatory housing practice has occurred. The Council shall make a determination within 90 days after receiving the complaint, unless the Council determines that good cause exists for further delay.

(f) If the Council finds no reasonable ground to believe that an unlawful discriminatory housing practice has occurred or is about to occur it shall dismiss the complaint and issue to the complainant a right-to-sue letter which will enable him to bring a civil action in superior court.

(g) If the Council finds reasonable grounds to believe that an unlawful discriminatory housing practice has occurred or is about to occur it shall proceed to try to eliminate or correct the discriminatory housing practice by informal conference, conciliation, or persuasion.

(h) If the Council is unable to resolve the alleged unlawful discriminatory housing practice it may declare that conciliation efforts have failed. Upon making such a declaration, the Council may:

(1) Dismiss the complaint and issue to the complainant a right-to-sue letter which will enable him to bring a civil action in superior court; or

(2) Commence a civil action in superior court against the respondent for such preventive relief as it deems necessary to enforce the provisions of this Chapter. In such an action, the Council shall be represented by an attorney employed by the Council and G.S. 114-2 shall not apply.

(i) If after 130 days after a complaint has been filed the Council has failed to resolve the complaint or issue a right-to-sue letter, the Council shall, upon written request of the complainant, issue a right-to-sue letter to the complainant. Issuance of a letter under this subsection shall not prevent the Council from commencing a civil action under subsection (h)(2) of this section which action shall be consolidated with any action filed by the complainant."

Sec. 6. G.S. 41A-9 is rewritten to read:

"§ 41A-9. *Statute of limitation.*—A civil action brought pursuant to this Chapter shall be commenced within 180 days after the filing of a complaint with the Council."

Sec. 7. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 11th day of June, 1985.

S.B. 284 **CHAPTER 372**

AN ACT TO PROVIDE FOR POSTING OF NOTICE OF PENDING APPLICATIONS FOR CAMA PERMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113A-119(b)(ii) is rewritten to read as follows:

"(ii) by posting or causing to be posted a notice at the location of the proposed development stating that an application for development has

been made, where the application may be inspected, and the time period for comments; and".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1985.

S.B. 357 **CHAPTER 373**

AN ACT TO RAISE THE RENEWAL FEE FOR PROFESSIONAL ENGINEERS AND REGISTERED LAND SURVEYORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 89C-17 is amended by deleting "thirty dollars ($30.00)" both places they appear, and substituting "fifty dollars ($50.00)".

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 11th day of June, 1985.

H.B. 557 **CHAPTER 374**

AN ACT TO AMEND THE DISTRIBUTION OF PROCEEDS FROM THE OPERATION OF LIQUOR STORES IN THE TOWN OF BELVILLE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 83 of the 1979 Session Laws is amended by rewriting Section 6 to read:

"Sec. 6. The town board of alcoholic beverage control shall, out of the gross revenue derived from the operation of alcoholic beverage control stores, pay all salaries, costs, and operating expenses and retain a sufficient and proper working capital, in an amount to be determined by the town board of alcoholic beverage control. The remaining revenue shall be distributed quarterly by the town board of alcoholic beverage control to the general fund of the Town of Belville. The Town of Belville shall make an annual contribution from the net proceeds from the operation of alcoholic beverage control stores to the three schools of the Northwest Township District of Brunswick County (North Brunswick High School, Leland Middle School, and the Lincoln Primary School) in amounts to be determined by the Belville Town Council."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1985.

H.B. 607 **CHAPTER 375**

AN ACT TO PROVIDE THAT WHEN THE GENERAL ASSEMBLY PROVIDES FOR THE INCORPORATION OF A MUNICIPALITY AND THE SIMULTANEOUS DISSOLUTION OF A SANITARY DISTRICT CONTAINED WITHIN ITS BORDERS, NO REFERENDUM NEED BE HELD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-81 is amended by adding a new subdivision to read:

"(1a) As an alternate to subdivision (1) of this section, the incorporation act shall define the boundaries of the proposed municipality; shall provide that the incorporation is not subject to referendum; shall set a proposed effective date for the incorporation of the municipality and the dissolution of the sanitary district; shall establish the form of government for the proposed municipality and the composition of its governing board, and provide for transitional arrangements for the sanitary district to the municipality, and may include any other matter appropriate to a municipal charter. If this subdivision is followed instead of subdivision (1), then the municipality shall be incorporated and the sanitary district simultaneously dissolved at 12 noon on the date set for incorporation in the incorporation act, and the provisions of paragraphs a. through g. of subdivision (5) of this section shall apply."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1985.

H.B. 696 **CHAPTER 376**

AN ACT TO EXEMPT NONPROFIT TEEN CENTERS FROM THE PRIVILEGE LICENSE TAX ON AMUSEMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-37.1(a) is amended by adding a new paragraph at the end of that subsection to read:

"The license and gross receipts taxes imposed by this section do not apply to a person, firm, or corporation that is exempt from income tax under Article 4 of this Chapter and is engaged in the business of operating a teen center. A 'teen center' is a fixed facility whose primary purpose is to provide recreational activities, dramatic performances, dances, and other amusements exclusively for teenagers."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 11th day of June, 1985.

H.B. 758 **CHAPTER 377**

AN ACT TO AUTHORIZE A TESTATOR TO EXEMPT A TESTAMENTARY TRUSTEE FROM THE REQUIREMENT THAT THE TRUSTEE MUST QUALIFY BEFORE THE CLERK OF SUPERIOR COURT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 36A-107 is amended in the last sentence thereof by deleting the words "in regard to the requirements for filing inventories and accounts".

Sec. 2. Article 8 of Chapter 36A of the General Statutes is amended by adding a new section to read as follows:

"§ 36A-108. *Registration and indexing.*—The Administrative Office of the Courts is authorized to adopt rules regulating the registration or indexing of testamentary trusts."

Sec. 3. This act shall become effective October 1, 1985, and shall apply to the wills of decedents dying on or after October 1, 1985.

In the General Assembly read three times and ratified, this the 11th day of June, 1985.

H.B. 1045 **CHAPTER 378**

AN ACT TO REQUIRE MARINA OPERATORS TO REPORT ALL FLOATING HOMES AND FLOATING STRUCTURES DOCKED OR STORED AT MARINAS TO THE COUNTY ASSESSOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-316(a)(2) is rewritten to read:

"(2) Every operator of a marina or comparable facility renting, leasing, or otherwise providing dockage or storage space for three or more boats, vessels, floating homes, or floating structures shall furnish to the assessor of the county in which the marina or comparable facility is located the name of the owner of and a description of each boat, vessel, floating home, or floating structure for which dockage or storage space is rented, leased, or otherwise provided."

Sec. 2. The first sentence of G.S. 105-316(b) is amended by inserting between the phrase "boats," and the word "or" the phrase "vessels, floating homes, floating structures,".

Sec. 3. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 11th day of June, 1985.

S.B. 299 **CHAPTER 379**

AN ACT TO ANNEX CERTAIN TERRITORY TO THE VILLAGE OF PINEHURST.

The General Assembly of North Carolina enacts:

Section 1. The Corporate boundaries of the Village of Pinehurst are extended to include the following described territory:

"A certain tract or area of land in Mineral Springs and Sandhills Townships, Moore County, North Carolina, bounded on the North by Morganton Road (State Road No. 1205), on the Northeast by U.S. Highway No. 15-501, on the East by the Town of Aberdeen, N.C., and on the West by the Village of Pinehurst, N.C., described as follows:

BEGINNING at a concrete monument in the south right of way line of State Road No. 1205, (Morganton Road), where the Dixie Pipeline crosses said road, said monument being in the corporate limit line of the Village of Pinehurst, N.C., said monument further located as being the north corner of Lot No. 8, in Block "X", as shown on a Plat recorded in Map Book 9 at Page 1 in the Office of Register of Deeds for Moore County, North Carolina; running thence from the beginning N 37° 17′ E 30.00 feet to a corner in the center of State Road No. 1205; thence S 54° 52′ E 94.15 feet to a corner in State Road No. 1205, a corner of the John Warren Watson 776.91 acre tract recorded in Map Book 7 at Page 46 in the Office of Register of Deeds for Moore County; thence as the lines of said Watson tract, the following calls S 51° 16′ E 799.65 feet to a corner in State Road No. 1205; thence S 52° 19′ E 591.00 feet to a corner in State Road No. 1205; thence S 72° 38′ E 305.69 feet to a corner in State Road No. 1205; thence N. 86° 42′ E 264.91 feet to a corner in State Road No. 1205; thence N 73° 28′ E 477.76 feet to a corner in State Road No. 1205; thence N. 85° 44′ E 216.68 feet to a corner in State Road No. 1205; thence S 85° 20′ E 555.27 feet to a corner in State Road No. 1205; thence S 84° 29′ E 449.25 feet to a corner in State Road No. 1205; thence S 78° 25′ E 345.83 feet to a corner in the right of way of State Road No. 1205; thence S 72° 31′ E 960.63 feet to a corner in the intersection of the right of ways of State Road No. 1205 and U.S. Highway No. 15-501; thence continuing as the lines of the Watson 776.91 acre tract S 44° 26′ E 478.29 feet to a corner in the right of way of U.S. Highway No. 15-501; thence S 39° 40′ E 937.18 feet to a corner in the right of way of U.S. Highway No. 15-501; thence S 32° 05′ E 583.44 feet to a corner in the right of way of U.S. Highway No. 15-501; thence leaving the highway and continuing as the lines of the Watson tract S 18° 41′ W 879.40 feet to a corner of Lots 16 and 17, in Block "G" of the subdivision shown on Plat recorded in Map Book 7 at Page 62 in the Office of Register of Deeds for Moore County; thence S 78° 58′ E 136.21 feet to a corner of Lot No. 16, Block "G"; thence S 00° 33′ E 1724.45 feet to the southeast corner of Lot No. 9, Block "G"; thence S 89° 27′ W 969.46 feet to a corner in the south line of Lot No. 6, Block "G"; thence leaving the Watson tract and running to and as the east line of the Villa Lake Development Co. 189.46 acre tract S 00° 35′ E 2418.35 feet to an iron stake, a corner of the Villa Lake Development Co.; thence continuing as the lines of the Villa Lake Development Co. S 89° 59′ W 222.98 feet to a concrete

monument; thence S 00° 18′ E 1266.16 feet to a corner of the Villa Lake Development Co.; thence S 74° 55′ W 1850.13 feet to a corner of the Villa Lake Development Co.; thence N 75° 28′ W 628.16 feet crossing Aberdeen Creek to a corner of the Villa Lake Development Co.; thence North 300.00 feet to a corner of the Villa Lake Development Co. in the south line of the subdivision Plat of which is recorded in Map Book 7 at Page 62 in the Office of the Register of Deeds for Moore County; thence as the south lines of that subdivision N 88° 02′ W 1504.55 feet to a concrete monument at the common corner of Lots 2 and 3, Block "Q"; thence N 87° 55′ W 935.71 feet to a concrete monument at the common corner of Lots 7 and 5, Block "Q"; thence N 88° 12′ W 943.86 feet to a corner at the southwest corner of Lot No. 16, the southeast corner of the Country Club of North Carolina, Inc. property entitled "Fourth Nine Addition, Phase One" recorded in Plat Cabinet 2 at Slide 23 in the Office of Register of Deeds for Moore County, N. C.; thence as the lines of the Fourth Nine Addition N 79° 01′ W 1137.87 feet to a corner of Lot No. 52; thence N 1° 30′ W 609.62 feet to a corner of Lot No. 51; thence S 83° 26′ W 2199.47 feet, crossing the Dixie Gas Pipeline to a corner of Lot No. 45; thence as the line of Lot No. 45 N 00° 19′ W 79.04 feet to a corner in the line of Lot No. 45; thence as the line of an addition to Lot No. 45 and Lot No. 44, N 88° 02′ W 425.45 feet to a corner; thence N 53° 25′ W 116.72 feet to a corner in the south line of Lot No. 44; thence as the south line of Lots 44 and 43 West 536.53 feet to a corner of Lot No. 43; thence N 70° 04′ W 473.36 feet to a corner; thence West 15.89 feet to a common corner of the Country Club of North Carolina, Inc. property and Blake; thence as the common line of the Country Club of North Carolina, Inc. property and Blake, the following calls, N 6° 24′ W 512.73 feet to a corner; thence N 10° 37′ W 1348.89 feet to a corner; thence N 3° 57′ W 594.37 feet to a corner; thence N 00° 54′ E 549.12 feet to a corner; thence N 03° 13′ W 60.00 feet to a corner; thence N 9° 46′ W 538.28 feet to a corner; thence leaving the Blake property and continuing as the lines of the Country Club of North Carolina, Inc., Fourth Nine Addition, Phase One property, the following calls N. 79° 32′ E 995.00 feet to a corner; thence N 42° 24′ W 388.71 feet to a corner of Lot No. 19; thence N 88° 25′ W 229.92 feet to a corner of Lot No. 19; thence N 42° 42′ E 710.10 feet to a common corner of Lots 18 and 19; thence N 60° 29′ E 498.25 feet to a corner of Lot No. 17; thence N 77° 52′ E 500.00 feet to a corner of Lot No. 14 in the line of Lot No. 16; thence N. 12° 08′ W 435.00 feet to a corner of Lot No. 14; thence N 77° 52′ E 388.52 feet to a corner of Lots 14 and 13; thence S 75° 36′ E 1501.44 feet to a corner of Lot No. 10; thence S 87° 34′ E 754.84 feet to a corner of Lot No. 1 in the line of Lot No. 26, Block "X" of the subdivision Plat of which is recorded in Map Book 10 at Page 9 in the Office of Register of Deeds for Moore County in the right of way line of the Dixie Gas Pipeline right of way; thence as the following lines of Block "X" of the aforesaid subdivision shown in Map Book 10 at Page 9 in the Office of Register of Deeds for Moore County N 20° 08′ W 301.62 feet to a corner of Lots 25 and 26, Block "X"; thence N 37° 17′ E 3524.36 feet to the Beginning, containing 1844.59 acres more or less".

Sec. 2. Notwithstanding G.S. 40A-3(b)(1) or the provisions of Article 9 of Chapter 136 of the General Statutes, no city shall have the power to acquire by condemnation any property in the area described in Section

1 of this act for the purpose of opening, widening, extending, or improving roads, streets, alleys, and sidewalks, or acquiring rights-of-way for streets, sidewalks and highways.

Sec. 3. No city may extend into the area described in Section 1 of this act any public enterprise described in G.S. 160A-311 without the written consent of seventy-five percent (75%) of the lot owners in that area, unless found necessary by state or county health authorities.

Sec. 4. Notwithstanding Article 4A of Chapter 160A of the General Statutes or the charter of any city, no city other than the Village of Pinehurst may annex the territory described in Section 1 of this act, nor may any city exercise extra-territorial power under Article 19 of Chapter 160A of the General Statutes prior to annexation in the area described in Section 1.

Sec. 5. This act does not affect any existing contractual rights or obligations between the Town of Southern Pines and the Country Club of North Carolina, Inc., or its predecessors in interest.

Sec. 6. The Town of Southern Pines and the Village of Pinehurst shall by contract transfer the ownership and operation of any public enterprises located and provided within the area defined by Section 1 of this act from the Town of Southern Pines to the Village of Pinehurst, at such time as the Village of Pinehurst is operating similar enterprises. Upon such transfer, the rates charged by the Village of Pinehurst for such services shall be the same within the area defined by Section 1 of this act as for areas outside the Village corporate limits if transfer is effective prior to annexation; and, as for areas inside the Village corporate limits if transfer is effective after annexation. The transfer of public enterprises described herein shall occur as soon as practical after the Village of Pinehurst has established similar public enterprises for the provision of services to the other areas within its municipal boundaries.

Sec. 7. Sections 1 and 3 of this act shall become effective December 31, 1989, or at the time of any prior annexation as herein provided. Property in the area annexed by Section 1 of this act shall be subject to taxation by the Village of Pinehurst for fiscal year 1989-1990 under the provisions of G.S. 160A-58.10. Sections 2, 4, 5 and 6 of this act are effective upon ratification. However, if sooner a written request for such annexation is made by the Board of Directors of the Country Club of North Carolina, Inc., which Board represents the residents and property owners of the area described in Section 1, such annexation shall be effective as soon as practical after such written request is submitted to and approved by the Village of Pinehurst, which approval shall not be withheld nor unreasonably delayed. In the event annexation takes place prior to December 31, 1989 by request of the Board of Directors of the Country Club of North Carolina, Inc., the annexed area will be taxed in the same manner as if annexed under G.S. 160A-31.

In the General Assembly read three times and ratified, this the 12th day of June, 1985.

H.B. 800 **CHAPTER 380**

AN ACT TO PROVIDE THAT A LETTER RETURNED BECAUSE THE PERSON NO LONGER LIVES AT AN ADDRESS SHALL NOT BE ADMISSIBLE EVIDENCE IN A CHALLENGE MADE ON THE DAY OF A PRIMARY OR ELECTION, AND TO CLARIFY THE NATURE OF SWORN TESTIMONY AS TO IDENTITY AND RESIDENCE OF THE VOTER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-88 is amended by adding the following at the end: "A letter or postal card mailed by returnable mail and returned by the United States Postal Service purportedly because the person no longer lives at that address or because a forwarding order has expired shall not be admissible evidence in a challenge heard under this section which was made under G.S. 163-87."

Sec. 1.1. G.S. 163-88 is further amended in the first paragraph by deleting "by the sworn testimony of at least one registered voter of the precinct", and substituting "by sworn testimony".

Sec. 2. This act shall become effective with respect to elections held on or after September 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of June, 1985.

H.B. 134 **CHAPTER 381**

AN ACT TO AUTHORIZE INDIVIDUAL AND CONSUMER FINANCE LENDERS TO CHARGE UP TO SIXTEEN PERCENT INTEREST ON SMALL LOANS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 24-1.1A(a)(3) is amended by deleting the phrase "ten percent (10%)" and substituting the phrase "sixteen percent (16%)".

Sec. 2. G.S. 24-1.1A(c) is amended by adding the following sentence at the end of that subsection:

"Provided further, that no lender on loans under G.S. 24-1.1A(a)(3) may charge or receive any fees or discount points other than the interest permitted in G.S. 24-1.1A(a)(3)."

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 13th day of June, 1985.

H.B. 412 **CHAPTER 382**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOLLY SPRINGS TO REMOVE THE PROVISION THAT TOWN ORDINANCES AND RESOLUTIONS ARE NOT EFFECTIVE UNTIL TWENTY DAYS AFTER THEIR ADOPTION.

The General Assembly of North Carolina enacts:

Section 1. Section 10 of Chapter 110, Session Laws of 1951, is repealed.

Sec. 2. This act shall become effective with respect to ordinances and resolutions passed beginning with the first day of the calendar month following ratification of this act.

In the General Assembly read three times and ratified, this the 13th day of June, 1985.

H.B. 884 **CHAPTER 383**

AN ACT TO PROVIDE FOR REPRESENTATION OF LOCAL GOVERNMENTS ON THE NORTH CAROLINA HOUSING COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 147-33.13(1) is rewritten to read:

"(1) Five shall be appointed by the Governor, two of whom shall be members of a governing board of a municipality or a county."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1985.

H.B. 519 **CHAPTER 384**

AN ACT TO PROVIDE THAT WHEN A CITY ANNEXES PROPERTY IN A COUNTY WHERE LESS THAN FIFTY PERCENT OF THE CITY IS LOCATED, NOTICE MUST ALSO BE GIVEN IN THAT COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-37(b) and G.S. 160A-49(b) are each amended by rewriting the first sentence of the second paragraph to read:

"Such notice shall be given by publication once a week for at least two successive weeks prior to the date of the hearing in a newspaper having general circulation in the municipality and, in addition thereto, if the area to be annexed lies in a county containing less than fifty percent (50%) of the land area of the municipality, in a newspaper having general circulation in the area of proposed annexation."

Sec. 2. This act shall become effective with respect to annexations when resolutions of intent under G.S. 160A-37(a) or G.S. 160A-49(a) are adopted after the date of ratification of this act.

In the General Assembly read three times and ratified, this the 13th day of June, 1985.

H.B. 1001 **CHAPTER 385**

AN ACT TO ELIMINATE THE NECESSITY OF A CITED PERSON SIGNING THE TRAFFIC CITATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-302(d) is rewritten to read:

"(d) Service. A copy of the citation shall be delivered to the person cited who may sign a receipt on the original which shall thereafter be filed with the clerk by the officer. If the cited person refuses to sign, the officer shall certify delivery of the citation by signing the original, which shall thereafter be filed with the clerk. Failure of the person cited to sign the citation shall not constitute grounds for his arrest or the requirement that he post a bond."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1985.

H.B. 1343 **CHAPTER 386**

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF PAMLICO COUNTY TO SELL PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 153A-176 and Article 12 of Chapter 160A of the General Statutes, the Board of Commissioners of Pamlico County may convey at private sale, with or without monetary consideration, the 6.4691 acre tract of land in number Four Township, Pamlico County, North Carolina, which was conveyed to Pamlico County by S.F. McCotter and wife by deed recorded in Book 157 at page 272, Pamlico County Registry, to the Trustees of Saint Peters Missionary Baptist Church of Vandemere and the Trustees of St. James AME Zion Church of Vandemere for use as a cemetery.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1985.

S.B. 471 **CHAPTER 387**

AN ACT TO ALLOW FOR APPOINTMENT OF ADDITIONAL REGISTRATION COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. The first paragraph of G.S. 163-41(b) is rewritten to read:

"In each county the county board of elections shall appoint as special registration commissioners the persons required by the next paragraph of this subsection, and may appoint additional persons as special registration commissioners. Special registration commissioners shall serve a term to expire on the date on which registrars and judges are appointed pursuant to subsection (a) of this subsection, and may be removed with cause.

In each county, the county chairman of each of the two political parties having the greatest voter registration in the State may each, from time until the maximum number of special registration commissioners allowed by this sentence are appointed, recommend voters who are eligible and who are residents of the county for appointment as special registration commissioners in a number not to exceed:

(1) one per 2,500 (or major fraction) residents of the county according to the most recent decennial federal census; or

(2) five, whichever is greater, but in no case greater than 100. If such recommendations are received by the county board of elections at least seven days prior to the next meeting of the county board of elections, the county board of elections shall at that meeting appoint as special registration commissioners the qualified persons on each list. The county board of elections shall meet within 45 days of receiving such nominations."

Sec. 1.1. G.S. 163-41(b1) is repealed.

Sec. 1.2. The next to the last paragraph of G.S. 163-41(b), beginning "In all counties" is repealed.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1985.

S.B. 190 **CHAPTER 388**

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE RELATING TO THE LEASE OF PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter IX of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, is amended by adding a new Subchapter to read:

"Subchapter H. Lease of Property.

"Sec. 9.126. Lease of Property. Notwithstanding the provisions of G.S. 160A-272, the City Council may, in its discretion, lease City-owned property for such terms and upon such conditions as the Council may determine, including terms of more than 10 years without the necessity of following any procedures other than those required by G.S. 160A-272 for leases of 10 years or less."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

S.B. 277 **CHAPTER 389**

AN ACT TO PERMIT THE TOWN OF KILL DEVIL HILLS TO REGULATE BUILDING CONSTRUCTION TO PREVENT FIRE HAZARDS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-183.1. *Regulation of flammable buildings.*—A city may by ordinance restrict, regulate or prohibit the construction of buildings and structures to ensure that they are not or will not constitute fire hazards."

Sec. 2. This act applies to the Town of Kill Devil Hills only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

S.B. 280 **CHAPTER 390**

AN ACT AUTHORIZING THE QUALIFIED VOTERS OF THE TOWN OF BEECH MOUNTAIN TO DETERMINE WHETHER MIXED BEVERAGES MAY BE SOLD IN THAT TOWN.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Article 6, Chapter 18B, of the General Statutes, the Town Council of Beech Mountain may call an election on the sale of mixed beverages. The ballot propositions shall be those stated in G.S. 18B-602(h). If the sale of mixed beverages is approved, purchase-transportation permits shall be issued and sales of liquor shall be made by the Banner Elk ABC system.

Sec. 2. All of the provisions of Chapter 18B of the General Statutes not inconsistent with Sections 1 and 2 of this act shall apply.

Sec. 3. This act shall apply to Watauga and Avery Counties only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

H.B. 773 **CHAPTER 391**

AN ACT TO EXTEND THE CRIME OF DEFRAUDING AN INNKEEPER TO INCLUDE CAMPGROUND OWNERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-110 is amended in the first sentence by deleting the phrase "or eating house" and substituting the phrase ", eating house, or campground".

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

H.B. 743 **CHAPTER 392**

AN ACT TO REQUIRE REPORTING OF MISSING CHILDREN IN DAY CARE TO LAW ENFORCEMENT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-102.1. *Reporting of missing children.*—Operators and staff, as defined in G.S. 110-86(7), 110-90.1 and 110-91(8), or any adult present with the approval of the care provider in a day-care facility or plan, as defined in G.S. 110-86(3), (4) and 110-106, upon learning that a child which has been placed in their care or presence is missing, shall immediately report the missing child to law enforcement. For purposes of this Article, a child is anyone under the age of 18."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

S.B. 320 **CHAPTER 393**

AN ACT TO ALLOW THE SECRETARY OF HUMAN RESOURCES TO ADOPT RULES ON DAMAGE OR THEFT OF PERSONAL PROPERTY BELONGING TO EMPLOYEES, VOLUNTEERS, AND CLIENTS IN INSTITUTIONS OF THE DEPARTMENT OF HUMAN RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"Article 7A.
"DAMAGE OF PERSONAL PROPERTY IN STATE INSTITUTIONS.

"§ 143-127.2. *Repair or Replacement of Personal Property.*—The Secretary of Human Resources may adopt rules governing repair or replacement of personal property items excluding private passenger vehicles that belong to employees, volunteers, or clients of State facilities within the Department of Human Resources and that are damaged or stolen by clients of the State facilities provided that the item is determined by the Secretary to be:

(a) Damaged or stolen on or off facility grounds during the performance of employment or volunteer duty and necessary for the employee or volunteer to have in his possession to perform his assigned duty; or

(b) Damaged or stolen on or off the facility grounds while the client is under the supervision of the facility and necessary for the client to have in his possession as part of his treatment environment.

"§ 143-127.3. *Negligence.*—Reimbursement for items damaged or stolen shall not be granted in instances in which the employee, volunteer, or client, if competent, is determined to be negligent or otherwise at fault

for the damage or loss of the property. Negligence shall be determined by the director of the facility.

"§ 143-127.4. *Other Remedies.*—The director of the facility shall determine if the person seeking reimbursement has made a good faith effort to recover the loss from all other non-State sources and has failed before reimbursement is granted.

"§ 143-127.5. *Limitations.*—Reimbursement shall be limited to the amount specified in the rules and shall not exceed a maximum of two hundred dollars ($200.00) per incident. No employee shall receive more than five hundred dollars ($500.00) per year in reimbursement. Reimbursement is subject to the availability of funds.

"§ 143-127.6. *Appeals.*—The Secretary of Human Resources shall establish by rule an appeals process consistent with Chapter 150A of the General Statutes."

Sec. 2. The Secretary of Human Resources shall submit a report to the General Assembly by March 1, 1987, on the implementation of this law. The report shall include all the reported incidents, the total amount of funds expended, the amount expended per incident and the types of property damaged or stolen for which reimbursement was granted. This report shall also include incidents related to private passenger vehicles.

Sec. 3. This act shall become effective October 1, 1985, and shall apply only to acts occurring after that date. This act shall expire July 1, 1987.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

H.B. 300 **CHAPTER 394**

AN ACT TO PERMIT ORDAINED OR LICENSED CLERGYMEN TO BE CONSIDERED SELF-EMPLOYED FOR TAX WITHHOLDING PURPOSES INSTEAD OF AN EMPLOYEE OF A CHURCH.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-163.1(4) is amended by adding a new sentence at the end of that subdivision to read:

"The term does not include an ordained or licensed clergyman who elects to be considered self-employed under G.S. 105-163.1A."

Sec. 2. Article 4A of Chapter 105 of the General Statutes is amended by inserting a new section between G.S. 105-163.1 and G.S. 105-163.2 to read:

"§ 105-163.1A. *Ordained or licensed clergyman may elect to be considered self-employed.*—An ordained or licensed clergyman who performs services for a church of any religious denomination may file an election with the Secretary and the church he serves to be considered self-employed instead of an employee of the church. Wages paid by a church to a clergyman who elects to be considered self-employed are not subject to withholding. A church shall withhold taxes from a clergyman's wages until the clergyman files an election with it under this section."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

H.B. 661 **CHAPTER 395**

AN ACT TO INCORPORATE THE VILLAGE OF SUGAR MOUNTAIN, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. A Charter is enacted for the Village of Sugar Mountain to read:

"CHARTER OF THE VILLAGE OF SUGAR MOUNTAIN.
"Chapter I.
"Incorporation and Corporate Powers.

"Sec. 1.1. *Incorporation and corporate powers.* The inhabitants of the Village of Sugar Mountain are a body corporate and politic under the name 'Village of Sugar Mountain'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed upon cities by the general law of North Carolina.

"Chapter II.
"Corporate Boundaries.

"Sec. 2.1. *Village boundaries.* Until modified in accordance with law, the boundaries of the Village of Sugar Mountain are as follows:
Beginning in the southwest margin of N.C. Highway 184, the northeastern corner of the FUNB 1 tract and thence the following bearings and distances:
South 87 degrees 18 minutes west, 262.63 feet; south 14 degrees 53 minutes west, 70.56 feet; north 87 degrees 39 minutes west, 207.16 feet; south 00 degrees 04 minutes east, 194.85 feet; north 89 degrees 11 minutes west, 261.21 feet; south 00 degrees 47 minutes east, 331.42 feet; south 00 degrees 44 minutes east, 19.50 feet; south 07 degrees 56 minutes east, 15.00 feet; south 07 degrees 56 minutes east, 169.38 feet; north 89 degrees 31 minutes west; 119.89 feet; north 07 degrees 46 minutes west, 169.85 feet; north 10 degrees 26 minutes west, 14.46 feet; north 89 degrees 34 minutes west, 41.93 feet; north 89 degrees 08 minutes west, 101.69 feet; south 00 degrees 59 minutes west, 15.00 feet; south 00 degrees 59 minutes west, 66.76 feet; north 87 degrees 25 minutes west, 71.76 feet; north 87 degrees 25 minutes west, 30.00 feet; south 4 degrees 05 minutes west, 134.72 feet; north 87 degrees 54 minutes west, 30.00 feet; north 87 degrees 54 minutes west, 299.03 feet; north 10 degrees 27 minutes east, 16.77 feet; north 76 degrees 39 minutes west, 124.06 feet; south 40 degrees 11 minutes west, 204.67 feet; north 75 degrees 06 minutes west, 214.61 feet; north 38 degrees 15 minutes east, 207.29 feet; north 75 degrees 06 minutes west, 457.45 feet; north 78 degrees 57 minutes west, 553.55 feet; north 33 degrees 50 minutes west, 535.34 feet; north 00 degrees 28 minutes west, 653.92 feet; north 87 degrees 49 minutes west, 1212.24 feet; south 89 degrees 09 minutes west, 448.65 feet; south 01 degree 14 minutes west, 1114.62 feet; north 80 degrees 37 minutes

west, 254.49 feet; north 80 degrees 37 minutes west, 1166.96 feet; north 01 degree 34 minutes west, 603.29 feet; north 87 degrees 15 minutes west, 377.10 feet; south 06 degrees 36 minutes west, 574.42 feet; north 86 degrees 18 minutes west, 1597.90 feet; south 05 degrees 15 minutes west, 1356.17 feet; south 87 degrees 53 minutes west, 1306.36 feet; north 35 degrees 45 minutes east, 730.15 feet; north 41 degrees 15 minutes west, 1434.91 feet; south 48 degrees 27 minutes west, 909.72 feet to an iron in the road; thence south 17 degrees 50 minutes west, 196.48 feet; south 38 degrees 48 minutes west, 149.90 feet; south 58 degrees 45 minutes west, 116.71 feet; south 02 degrees 41 minutes east, 314.55 feet; south 06 degrees 21 minutes east, 200.29 feet; south 10 degrees 08 minutes east, 274.54 feet; south 45 degrees 13 minutes west, 243.42 feet; south 26 degrees 19 minutes west, 152.92 feet; south 18 degrees 43 minutes west, 153.67 feet; south 32 degrees 13 minutes west, 120.09 feet; north 82 degrees 14 minutes west, 165.61 feet; south 47 degrees 09 minutes west, 132.31 feet to an iron in the road; thence south 36 degrees 11 minutes east, 803.69 feet; south 05 degrees 20 minutes west, 1141.29 feet; south 77 degrees 38 minutes east, 206.06 feet; south 85 degrees 13 minutes east, 1310.91 feet; south 01 degree 48 minutes east, 437.99 feet; south 87 degrees 23 minutes west, 170.61 feet; south 01 degree 07 minutes east, 256.44 feet; north 89 degrees 37 minutes west, 260.63 feet; north 89 degrees 37 minutes west, 604.17 feet; south 01 degree 35 minutes west, 1194.53 feet; south 71 degrees 53 minutes west, 281.55 feet; south 73 degrees 39 minutes west, 1037.13 feet; south 00 degrees 18 minutes west, 914.33 feet; south 01 degree 36 minutes west, 242.91 feet; south 01 degree 36 minutes west, 682.14 feet; south 60 degrees 34 minutes east, 369.02 feet; south 88 degrees 42 minutes east, 1455.07 feet; south 02 degrees 54 minutes west, 906.42 feet; south 89 degrees 27 minutes east, 420.35 feet; south 89 degrees 41 minutes east, 483.96 feet; south 89 degrees 41 minutes east, 1100.00 feet; south 89 degrees 41 minutes east, 100.00 feet; south 89 degrees 41 minutes east, 1400.00 feet; north 09 degrees 15 minutes east, 1809.52 feet; north 45 degrees 00 minutes east, 565.69 feet; north 74 degrees 58 minutes east, 1542.76 feet; north 37 degrees 03 minutes east, 664.00 feet; north 81 degrees 15 minutes east, 1829.61 feet; north 27 degrees 39 minutes east, 1127.12 feet; north 58 degrees 29 minutes east, 2415.39 feet to the center line of N.C. Highway 184; thence along and with the center of the highway north 42 degrees 29 minutes west, 174.77 feet; north 50 degrees 22 minutes west, 156.40 feet; north 58 degrees 32 minutes west, 154.52 feet; north 64 degrees 34 minutes west, 210.60 feet; north 69 degrees 56 minutes west, 155.68 feet; north 59 degrees 16 minutes west, 200.57 feet; north 43 degrees 56 minutes west, 129.22 feet; north 24 degrees 25 minutes west, 31.40 feet; north 20 degrees 35 minutes west, 169.52 feet; north 00 degrees 52 minutes west, 152.20 feet; north 18 degrees 46 minutes east, 197.48 feet; north 32 degrees 24 minutes east, 351.94 feet; north 30 degrees 21 minutes east, 43.47 feet; thence leaving N.C. Highway 184 north 60 degrees 57 minutes west, 95.54 feet; north 60 degrees 57 minutes west, 267.02 feet; north 04 degrees 14 minutes west, 107.27 feet; north 62 degrees 14 minutes east, 32.46 feet; north 20 degrees 09 minutes east, 34.00 feet; north 07 degrees 23 minutes east, 45.00 feet; north 11 degrees 47 minutes west, 40.00 feet; north 35 degrees 43 minutes east, 50.00 feet; north 63 degrees 58 minutes east, 55.19 feet; south 26 degrees 32 minutes east, 18.38 feet; north 34 degrees 16

minutes east, 55.92 feet; south 48 degrees 12 minutes east, 68.33 feet; south 51 degrees 17 minutes east, 326.54 feet; north 45 degrees 43 minutes east, 115.65 feet; north 48 degrees 36 minutes east, 66.00 feet; north 49 degrees 24 minutes west, 323.74 feet; north 46 degrees 11 minutes east, 22.07 feet; north 46 degrees 42 minutes east, 697.85 feet; north 03 degrees 22 minutes east, 124.86 feet; north 82 degrees 58 minutes east, 222.11 feet; south 59 degrees 18 minutes east, 434.39 feet to the west margin of N.C. Highway 184; thence along and with the west margin of N.C. Highway 184 north 15 degrees 00 minutes east, 90.04 feet; north 05 degrees 00 minutes east, 90.03 feet; north 04 degrees 45 minutes west, 84.11 feet; thence leaving the west margin of N.C. Highway 184 south 74 degrees 17 minutes west, 49.42 feet; north 59 degrees 35 minutes west, 48.02 feet; north 85 degrees 25 minutes west, 78.03 feet; north 44 degrees 08 minutes west, 62.28 feet; north 12 degrees 05 minutes west, 81.26 feet; north 38 degrees 59 minutes west, 85.76 feet; north 85 degrees 17 minutes east, 225.66 feet to the west margin of N.C. Highway 184; thence with the west margin of N.C. Highway 184 north 20 degrees 47 minutes west, 103.45 feet; north 24 degrees 20 minutes west, 100.04 feet; north 27 degrees 50 minutes west, 100.03 feet; north 31 degrees 20 minutes west, 100.04 feet; north 34 degrees 50 minutes west, 100.05 feet; north 34 degrees 50 minutes west, 15.00 feet; north 24 degrees 28 minutes west, 44.28 feet; north 42 degrees 14 minutes west, 67.41 feet; north 48 degrees 08 minutes west, 58.54 feet; thence north 48 degrees 08 minutes west, 153.07 feet to the beginning, but it does not include Lot 59 of Map Book 90, of Avery County, located on N.C. Highway 184, it does not include Lot 63 of Map Book 090, Avery County, and it also does not include the property designated as Parcel DM-16-A containing 298.18 acres, shown on the maps recorded in Plat Book 12 at pages 56 through 63, Avery County Registry, except that it does include a well site containing 0.18 acres and a water tank site containing 0.721 acres shown on the Map recorded in Plat Book 12, page 60, Avery County Registry.

"Chapter III.
"Governing Body.

"Sec. 3.1. *Structure of governing body; number of members.* The Governing body of the Village of Sugar Mountain is the Village Council, which has four members, and the Mayor.

"Sec. 3.2. *Manner of electing board.* The qualified voters of the entire Village nominate and elect the members of the Council.

"Sec. 3.3. *Term of office of Council members.* Until members are elected in accordance with this section, the Village Council shall consist of Leanne Jochl, Bill Dacchille, Edward Hardin, and Richard Unrath. In the 1985 municipal election, the two persons receiving the highest numbers of votes shall be elected for four-year terms, and the two persons receiving the next highest numbers of votes shall be elected for two-year terms. In 1987 and biennially thereafter, two members shall be elected for four-year terms.

"Sec. 3.4. *Election of Mayor; term of office.* Until a Mayor is elected in accordance with this section, Marjorie Unrath shall serve as Mayor. In 1985 and biennially thereafter, a Mayor shall be elected for a two-year term.

"Chapter IV.
"Elections.

"Sec. 4.1. *Conduct of Village elections.* The Mayor and Village Council shall be elected on a nonpartisan basis and the results determined by the plurality method as provided by G.S. 163-292.

"Chapter V.
"Administration.

"Sec. 5.1. *Council-manager plan.* The Village of Sugar Mountain operates under the council-manager plan as provided by Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 5.2. *Interim budget.* The Board of Commissioners may adopt a budget ordinance for the 1985-86 fiscal year, following their qualification for office, without having to comply with the budget preparation and adoption timetable set out in the Local Government Budget and Fiscal Control Act. If the initial budget is adopted after January 1, 1986, property taxes may be paid at par within 90 days of adoption of the budget ordinance, and thereafter according to the schedule in G.S. 105-360 as if the taxes had been due on September 1, 1985.

"Chapter VI.
"Extraterritorial Jurisdiction and Annexation.

"Sec. 6.1. *Extraterritorial jurisdiction.* The Village may not exercise any extraterritorial jurisdiction or extraterritorial powers under Article 19 of Chapter 160A of the General Statutes.

"Sec. 6.2. *Annexation.* The town may not annex under Part 2 of Article 4A of Chapter 160A of the General Statutes."

Sec. 1.1. (a) The Avery County Board of Elections shall conduct an election no later than August 27, 1985, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of the Village of Sugar Mountain, the question of whether or not such area shall be incorporated as the Village of Sugar Mountain. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(b) In the election, those voters who favor the incorporation of the Village of Sugar Mountain as provided in this act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of Sugar Mountain", and those voters who are opposed to the incorporation of the Village of Sugar Mountain as provided in this act shall vote a ballot upon which shall be printed the words: "AGAINST Incorporation of Sugar Mountain".

Sec. 1.2. In such election, if a majority of the votes cast are not cast "FOR Incorporation of Sugar Mountain", then Section 1 of this act shall have no force and effect.

Sec. 1.3. In such election, if a majority of the votes cast shall be cast "FOR Incorporation of Sugar Mountain" then Section 1 of this act shall become effective on the date that the Avery County Board of Elections determines the result of the election.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

H.B. 848 **CHAPTER 396**

AN ACT TO CHANGE THE MANNER OF APPOINTMENT AND ORGANIZATION OF THE COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-564(b)(2) is amended by deleting "Pro Tempore".

Sec. 2. G.S. 143-564(b)(4) is amended by deleting "Chief Justice", and substituting "Governor".

Sec. 3. G.S. 143-564(b)(5) is amended by deleting "President Pro Tempore", and substituting "President of the Senate".

Sec. 4. The first sentence of the last paragraph of G.S. 143-564(b) is rewritten to read: "The President of the Senate shall serve as chairman."

Sec. 5. G.S. 143-565(b) and (f) are each amended by deleting "cochairmen" wherever that word appears and substituting "chairman".

Sec. 6. The first sentence of G.S. 143-565(a) is deleted and the following substituted: "The Commission shall appoint a staff director. The salary of the staff director shall be set by the Commission."

Sec. 7. G.S. 143-565(e) is repealed.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

H.B. 951 **CHAPTER 397**

AN ACT TO CLARIFY THE EXTENT TO WHICH THE DUTIES OF A BOARD OF ADJUSTMENT MAY BE ASSIGNED TO A PLANNING AGENCY.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of G.S. 153A-345(a) is rewritten to read: "A county may designate a planning agency to perform any or all of the duties of a board of adjustment in addition to its other duties."

Sec. 2. The last sentence of G.S. 160A-388(a) is rewritten to read: "A city may designate a planning agency to perform any or all of the duties of a board of adjustment in addition to its other duties."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

H.B. 1222 **CHAPTER 398**

AN ACT TO TRANSFER TITLE TO CERTAIN LAND FROM THE STATE OF NORTH CAROLINA TO THE TOWN OF ANDREWS.

The General Assembly of North Carolina enacts:

Section 1. There is transferred, in fee simple absolute, from the State of North Carolina to the Town of Andrews, title to that tract or

parcel of land in the Town of Andrews, North Carolina, more particularly described as follows:

"All of that certain tract of land containing 10 acres, more or less, in Cherokee County set apart and established as a public burying ground by act of the General Assembly of North Carolina entitled 'AN ACT TO ESTABLISH A PUBLIC BURYING GROUND IN THE COUNTY OF CHEROKEE', ratified on the 8th day of January, 1847, and now known as Valleytown Cemetery within the corporate limits of the Town of Andrews."

Sec. 2. This transfer of title shall be represented by a quitclaim deed from the State to the Town of Andrews as soon as may be practical for the preparation and signing of the deed pursuant to the provisions of Article 16 of Chapter 146 of the General Statutes.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

H.B. 821 **CHAPTER 399**

AN ACT TO BAN THE ADDITION OF SULFITING AGENTS TO CERTAIN FOODS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-129(1) is amended by deleting the period at the end of sub-subdivision g. and by substituting the phrase "; or"; and is further amended by adding a new sub-subdivision to read:

"h. If a retail or wholsale establishment has added sulfiting agents, including sulfur dioxide, sodium sulfite, sodium or potassium bisulfite, and sodium or potassium metabisulfite, separately or in combination, to fresh fruits and fresh vegetables intended for retail sale as fresh food products."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

H.B. 244 **CHAPTER 400**

AN ACT TO MAKE TECHNICAL AMENDMENTS IN LEGISLATIVE RETIREMENT AND HEALTH BENEFITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-4.11 is rewritten to read:

"§ 120-4.11. *Membership.*—The following members of the General Assembly and former members of the General Assembly are eligible for membership in the Retirement System, provided they are not contributing to nor are qualified to contribute to the North Carolina Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, the Law Enforcement Officers' Retirement System, the Uniform Judicial Retirement System, the Uniform Solicitorial Retirement System, or the Uniform Clerks of Superior Court Retirement System:

(1) Members of the General Assembly who serve on and after June 15, 1983; and

(2) Former members of the General Assembly who served prior to June 15, 1983; and

a. Who elect to transfer current and future entitlements, or contributions, from the Legislative Retirement Fund established by Chapter 1269 of the 1969 Session Laws; or

b. Who have eight or more years of service as a member of the General Assembly."

Sec. 2. G.S. 120-4.14 is amended by inserting the words "final legislative" between the words "For" and "terms" in the first line of subdivisions (1) and (2).

Sec. 3. G.S. 120-4.28 is amended in the first line by inserting the words "in service" between the words "dies" and "before".

Sec. 4. Section 239 of Chapter 761 of the 1983 Session Laws is repealed effective December 31, 1984.

Sec. 5. Retroactive to October 1, 1982, G.S. 135-40.2(a) and G.S. 135-40.2(b) are each amended by adding the following subdivision to read:

"(3a) Employees of the General Assembly, not otherwise covered by this section, as determined by the Legislative Services Commission, except for legislative interns and pages."

Sec. 6. Retroactive to October 1, 1982, G.S. 135-40.2(b) is amended by adding the following subdivision to read:

"(7) The spouses and eligible dependents of enrolled members of the General Assembly."

Sec. 7. Effective January 1, 1985, G.S. 120-4.11, as rewritten by Section 1 of this act, is amended by deleting "the Uniform Judicial Retirement System, the Uniform Solicitorial Retirement System, or the Uniform Clerks of Superior Court Retirement System", and substituting "or the Consolidated Judicial Retirement System of North Carolina".

Sec. 8. Effective upon the first day of the calendar month following 60 days after receipt of a favorable determination or ruling from the United States Department of Treasury's Internal Revenue Service that the Legislative Retirement System is a trust qualified under Section 401(a) of the Internal Revenue Code of 1954, as amended, G.S. 120-4.19 is amended by adding the following paragraph to read:

"Anything within this Article to the contrary notwithstanding, the State, pursuant to the provisions of Section 414(h)(2) of the Internal Revenue Code of 1954 as amended, shall pick up and pay the contributions which would be payable by the members under this section with respect to the services of such members rendered after the effective date of this paragraph. The members' contributions picked up by the State shall be designated for all purposes of the Retirement System as member contributions, except for the determination of tax upon a distribution from the System. These contributions shall be credited to the Annuity Savings Fund and accumulated within the Fund in a member's account which shall be separately established for the purpose of accounting for picked-up contributions. Member contributions picked up by the State shall be payable from the same source of funds used for the payment of compensation to a member. A deduction shall be made from a member's

compensation equal to the amount of his contributions picked up by the State. This deduction, however, shall not reduce a member's compensation as defined in G.S. 120-4.8(1). Picked-up contributions shall be transmitted to the Retirement System monthly for the preceding month by means of a warrant drawn by the State payable to the Retirement System and shall be accompanied by a schedule of the picked-up contributions on such forms as may be prescribed."

Sec. 9. Effective upon the convening of the 1985 General Assembly, G.S. 120-4.27 is amended by adding a paragraph to read:

"The death benefit provided by this section shall be designated a group life insurance benefit payable under an employee welfare benefit plan that is separate and apart from the Retirement System but under which the members of the Retirement System shall participate and be eligible for group life insurance benefits. The Board of Trustees is authorized to provide the death benefit in the form of group life insurance either by purchasing a contract or contracts of group life insurance with any life insurance company or companies licensed and authorized to transact business in the State of North Carolina for the purpose of insuring the lives of qualified members in service, or by establishing or affiliating with a separate trust fund qualified under Section 501(c)(9) of the Internal Revenue Code of 1954, as amended."

Sec. 10. Effective upon ratification of this act, G.S. 120-111.3 is amended in the fifth line by deleting the word "that" and substituting in lieu thereof the word "each".

Sec. 11. Unless otherwise stated, this act is effective July 1, 1984.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

H.B. 535 **CHAPTER 401**

AN ACT TO PERMIT STATE LAW ENFORCEMENT OFFICERS TO RESTORE WITHDRAWN CONTRIBUTIONS AND CREDITABLE SERVICE, AND TO RESTORE FORFEITED CREDITABLE SERVICE OF WILDLIFE PROTECTORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-4(k) is amended by adding a paragraph at the end to read:

"Notwithstanding any provision to the contrary, a law enforcement officer who was transferred from the law Enforcement Officers' Retirement System to this Retirement System pursuant to Article 12C of Chapter 143 of the General Statutes and withdrew his accumulated contributions prior to January 1, 1985, in accordance with G.S. 128-27(f) or G.S. 135-5(f) for non-law enforcement service and who has 10 years or more of membership service standing to his credit may repay in a total lump sum the accumulated contributions previously withdrawn with sufficient interest added thereto to cover one-half the cost of providing such additional credits plus a fee to cover the expense of handling which shall be determined by the Board of Trustees and receive credit for the creditable service forfeited at the time of withdrawal."

Sec. 2. G.S. 135-4 is amended by adding a new paragraph (u) to read:

"(u) Any member who was a wildlife protector who elected to become a member of the Law Enforcement Officers' Retirement System pursuant to Chapter 837 of the 1971 Session Laws by the transfer of accumulated contributions from this Retirement System to the Law Enforcement Officers' Retirement System and who has not subsequently applied for and received a return of accumulated contributions shall be entitled to creditable service for the service as a non-law enforcement officer forfeited as a result of the transfer pursuant to Chapter 837 of the 1971 Session Laws."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

H.B. 711 **CHAPTER 402**

AN ACT TO CONFORM STATE AND LOCAL GOVERNMENT RETIREMENT AND PENSION PAYMENTS TO THE REQUIREMENTS FOR THE ENFORCEMENT OF CHILD SUPPORT AND EQUITABLE DISTRIBUTION OF MARITAL PROPERTY OBLIGATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 118-49, 120-4.29, 128-31, 135-9, 135-95, and 143-166(q) are amended by deleting the first word "The" and by substituting the phrase:

"Except for the applications of the provisions of G.S. 110-136, and in connection with a court-ordered equitable distribution under G.S. 50-20, the".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

H.B. 715 **CHAPTER 403**

AN ACT TO ALLOW PARTICIPANTS IN THE OPTIONAL RETIREMENT PROGRAM OF THE UNIVERSITY OF NORTH CAROLINA TO BECOME ELIGIBLE FOR MEMBERSHIP IN THE SUPPLEMENTAL RETIREMENT INCOME PLAN OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-91 is amended by adding a new subsection to the end to read:

"Each institution of The University of North Carolina shall report the data and other information to the Supplemental Retirement Income Plan pertaining to participants in the Optional Retirement Program as shall be required by the Department of State Treasurer and the Board Of Trustees."

Sec. 2. G.S. 135-92(a) is amended at the end of subdivision (5) by deleting the period and by substituting a semicolon and the word "and"; and is further amended by adding a new subdivision to the end to read:

"(6) Participants in the Optional Retirement Program provided for under G.S. 135-5.1."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

H.B. 746 **CHAPTER 404**

AN ACT TO PROVIDE A PROCEDURE FOR OBTAINING CANDIDATES FOR MEMBERSHIP ON NONPARTISAN COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-37 is amended by adding a new subsection to read:

"(h) Death or disqualification of candidate in nonpartisan election. If a candidate dies or becomes disqualified after the filing period has closed and before the election, and the ballots have not been printed, the county board of elections shall immediately reopen the filing period for five days so that additional candidates may file for election. If the ballots have been printed at the time the board of elections receives notice of the death or disqualification, the board shall reopen the filing period for three days if the board determines it will have time to reprint the ballots before the election.

In the event the board of elections determines that there is not time enough to reopen the filing period for three days and to reprint the ballots, then the ballots shall not be reprinted and the name of the deceased or disqualified candidate shall remain on the ballot. Votes cast for such candidate shall not be considered and the candidates receiving the highest number of votes equal to the number of positions to be filled shall be elected."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

H.B. 849 **CHAPTER 405**

AN ACT TO PROVIDE THAT FAILURE TO TAKE THE OATH OF OFFICE AS A MEMBER OF A LOCAL BOARD OF EDUCATION BY THE FIRST MONDAY IN DECEMBER DOES NOT CREATE A VACANCY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-37(d) is amended by deleting "A failure to qualify within that time shall constitute a vacancy which shall be filled as set out in subsection (f) of this section. Those persons appointed to fill

a vacancy must qualify within 30 days after notification. A failure to qualify within that time shall constitute a vacancy."

Sec. 2. The first sentence of G.S. 115C-37(d) is deleted and the following substituted: "Each county board of education shall hold a meeting in December following the election. At that meeting, newly elected members of the board of education shall qualify by taking the oath of office prescribed in Article VI, Section 7 of the Constitution."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

H.B. 1009 **CHAPTER 406**

AN ACT TO AMEND THE CHARITABLE REMAINDER TRUSTS ADMINISTRATION ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 36A-59.3(2)a. is amended by adding the following at the end:

"provided, however, that in the case of an individual, such amount to be paid to such individual may be subject to a qualified contingency according to the terms of the governing instrument;".

Sec. 2. G.S. 36A-59.3(3)a. is amended by adding the following at the end:

"provided, however, that in the case of an individual, such amount to be paid to such individual may be made subject to a qualified contingency according to the terms of the governing instrument;".

Sec. 3. G.S. 36A-59.3 is amended by adding a new definition to read:

"(5) 'Qualified contingency' means any provision of the governing instrument which provides that, upon the happening of a contingency, the payments made to an individual noncharitable beneficiary of a charitable remainder trust will terminate not later than such payments would otherwise terminate under the governing instrument."

Sec. 4. G.S. 36A-59.4 is amended by adding a new subsection (c) and redesignating the remaining subsections accordingly. The new subsection (c) shall read:

"(c) Selection of Alternative Charitable Beneficiary if Remaindermen do not Qualify under Section 170(b)(1)(A) of the Code at Time of Distribution. Notwithstanding the foregoing provisions of G.S. 36A-59.4(b), if the designated charity is, at the time of the creation of the trust, an organization described in both Section 170(b)(1)(A) and Section 170(c) of the Code, and if the designated charity is not an organization described in both Section 170(b)(1)(A) and Section 170(c) of the Code when any principal or income of the trust is to be distributed to it, the trustee shall distribute the principal or income to one or more organizations then described in both Section 170(b)(1)(A) and Section 170(c) of the Code selected in accordance with the terms of the governing instrument; provided, however, that in the event the governing instrument does not provide a method of selecting alternative charitable beneficiaries that are then described in both Section 170(b)(1)(A) and Section 170(c) of the Code,

the Trustee shall, in his sole discretion, select one or more alternative charitable beneficiaries that are described in both Section 170(b)(1)(A) and Section 170(c) of the Code and shall distribute the principal or income to the organization or organizations so selected in such shares as the Trustee, in his sole discretion, shall determine."

Sec. 5. G.S. 36A-59.4 is further amended by adding a new subsection at the end to read:

"(h) Payment of Taxes by Noncharitable Beneficiary. In the case of any *inter vivos* charitable remainder trust which is liable to pay, from trust property, any federal estate, State inheritance or other similar death taxes by reason of the death of the grantor of such trust, the interest of any noncharitable beneficiary of such trust shall terminate upon the death of the grantor unless such noncharitable beneficiary shall furnish to the trust sufficient funds for payment of all such taxes attributable to the interest of such noncharitable beneficiary in the trust property, and such termination shall be deemed as the occurrence of a qualified contingency."

Sec. 6. G.S. 36A-59.5(d) is amended by deleting the last sentence and substituting the following sentences:

"Within a reasonable time after the end of the taxable year in which the complete funding of the trust occurs, the trustee must pay to the beneficiary, in the case of an underpayment, or must receive from the beneficiary, in the case of an overpayment, the difference between:

(1) Any annuity amount actually paid, plus interest on such amounts computed at ten percent (10%) a year, compounded annually; and

(2) The annuity amounts payable, determined under the method described in Section 1.664-1(a)(5) of the federal income tax regulations, plus interest on such amounts computed at ten percent (10%) a year, compounded annually.

Notwithstanding the foregoing sentence, in computing any underpayment or overpayment of the annuity amounts, if the governing instrument was executed or last amended prior to August 9, 1984, and if the governing instrument does not specify that a ten percent (10%) rate of interest shall be used, the underpayment or overpayment of the annuity amounts shall be computed using an interest rate at six percent (6%) a year, compounded annually."

Sec. 7. G.S. 36A-59.6(f) is amended by deleting the last sentence and substituting the following sentences:

"Within a reasonable time after the end of the taxable year in which the complete funding of the trust occurs, the trustee must pay to the beneficiary, in the case of an underpayment, or must receive from the beneficiary, in the case of an overpayment, the difference between:

(1) Any unitrust amounts actually paid, plus interest on such amounts computed at ten percent (10%) a year, compounded annually; and

(2) The unitrust amounts payable, determined under the method described in Section 1.664-1(a)(5) of the federal income tax regulations, plus interest on such amounts computed at ten percent (10%) a year, compounded annually.

Notwithstanding the foregoing sentence, in computing any underpayment or overpayment of the unitrust amounts, if the governing instrument was executed or last amended prior to August 9, 1984, and if

the governing instrument does not specify that a ten percent (10%) rate of interest shall be used, the underpayment or overpayment of the unitrust amounts shall be computed using an interest rate of six percent (6%) a year, compounded annually."

Sec. 8. This act is effective upon ratification and applies to all charitable remainder annuity trusts and all charitable remainder unitrusts that would not qualify for the deduction pursuant to Section 2055 or Section 2522 of the Code in the absence of Article 4A that are in existence on that date or are established after that date. For trusts in existence on that date, this act relates back to the date of creation of the trust.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

H.B. 1266 CHAPTER 407

AN ACT TO PERMIT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE MEMBERSHIP SERVICE CREDITS FOR OMITTED CONTRIBUTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-26 is amended by adding a new subsection (m) and G.S. 135-4 is amended by adding a new subsection (u) to read:

"Omitted Membership Service - A member who had service as an employee as defined in G.S. 135-1(10) and G.S. 128-21(10) or as a teacher as defined in G.S. 135-1(25) and who was omitted from contributing membership through error may be allowed membership service, after submitting clear and convincing evidence of the error, as follows:

(a) within 90 days of the omission, by the payment of employee and employer contributions that would have been paid; or

(b) after 90 days and prior to three years of the omission, by the payment of the employee and employer contributions that would have been paid plus interest compounded annually at a rate equal to the average yield on the pension accumulation fund for the preceding calendar year; or

(c) after three years of the omission, by the payment of an amount equal to the full cost of the service credits calculated on the basis of the assumptions used for the purposes of the actuarial valuation of the system's liabilities, and shall take into account the additional retirement allowance arising on account of such additional service credit commencing at the earliest age at which a member could retire on an unreduced retirement allowance, as determined by the Board of Trustees upon the advice of the consulting actuary, plus an administrative fee to be set by the Board of Trustees.

Nothing contained in this subsection shall prevent an employer or member from paying all or a part of the cost of the omitted membership service; and to the extent paid by the employer, the cost paid by the employer shall be credited to the pension accumulation fund; and to the

extent paid by the member, the cost paid by the members shall be credited to the member's annuity savings account; provided, however, an employer does not discriminate against any member or group of members in his employ in paying all or any part of the cost of the omitted membership service."

Sec. 2. Notwithstanding the provisions of G.S. 128-26(m) or G.S. 135-4(u) any member of the Local Governmental Employees' Retirement System or Teachers' and State Employees' Retirement System, who presents clear and convincing evidence that he was quoted a cost to purchase omitted membership service by either Retirement System within three years prior to the effective date of this act under some other rule, regulation or administrative interpretation, shall continue to have the right to purchase omitted membership service based on the same rule, regulation or administrative interpretation if such cost is paid within 180 days of the effective date of this act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

S.B. 310 **CHAPTER 408**

AN ACT TO AUTHORIZE TEMPORARY CUSTODY OF ABSCONDING JUVENILES BY THE JOINT SECURITY FORCE OUTSIDE TERRITORY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-571(4) is amended by inserting the following words between "by a court counselor," and "or" in the first sentence of the subdivision: "by a member of the Black Mountain Center, Alcohol Rehabilitation Center and Juvenile Evaluation Center Joint Security Force established pursuant to G.S. 122-98.3,".

Sec. 2. G.S. 122-98.3 is amended by designating the current language as subsection (a) and by adding the following new sentence at the end thereof, to read as follows: "These special police officers shall also have the power prescribed by G.S. 7A-571(4) outside the territory embraced by the named centers but within the confines of Buncombe County. These special police officers may arrest persons outside the territory of the named centers but within the confines of Buncombe County when the person arrested has committed a criminal offense within that territory, for which the officers could have arrested the person within that territory, and the arrest is made during such person's immediate and continuous flight from that territory."

Sec. 3. G.S. 122C-421 is amended by designating the current language as subsection (a) and by adding the following new sentence at the end thereof, to read as follows: "These special police officers shall also have the power prescribed by G.S. 7A-571(4) outside the territory embraced by the named centers but within the confines of Buncombe County. These special police officers may arrest persons outside the territory of the named centers but within the confines of Buncombe County when the person arrested has committed a criminal offense within

that territory, for which the officers could have arrested the person within that territory, and the arrest is made during such person's immediate and continuous flight from that territory."

Sec. 4. G.S. 122-98.3 is hereby amended by adding a new subsection to read:

"(b) These special police officers may exercise any and all of the powers enumerated in this Article upon, or in pursuit from the property, formerly occupied by the Black Mountain Center and transferred to the Department of Correction by Senate Bill 388 and House Bill 709 of the 1985 Session of the General Assembly. These special police officers shall exercise said powers upon the property transferred to the Department of Correction only by agreement of the Departments of Correction and Human Resources."

Sec. 5. G.S. 122C-421 is hereby amended by adding a new subsection to read:

"(b) These special police officers may exercise any and all of the powers enumerated in this part upon or in pursuit from the property formerly occupied by the Black Mountain Center and transferred to the Department of Correction by Senate Bill 388 and House Bill 709 of the 1985 Session of the General Assembly. These special police officers shall exercise said powers upon the property transferred to the Department of Correction only by agreement of the Departments of Correction and Human Resources."

Sec. 6. Sections 1 and 2 of this act shall become effective July 1, 1985, and Sections 3 and 5 of this act shall become effective January 1, 1986. Section 4 shall become effective on the same date as Senate Bill 388 and House Bill 709 of the 1985 Session of the General Assembly.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

S.B. 225 **CHAPTER 409**

AN ACT TO CHANGE THE GRADE LEVELS AT WHICH CERTAIN TESTS ARE ADMINISTERED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-178 is amended by deleting the word "eleventh" wherever it appears and substituting "tenth".

Sec. 2. The third sentence of G.S. 115C-189 is amended by deleting the word "ninth" and substituting "eighth".

Sec. 3. This act is effective upon ratification and applies to all school years beginning with the 1985-86 school year.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

S.B. 339 **CHAPTER 410**

AN ACT CLARIFYING THE STANDING OF THE DESIGNATED REPRESENTATIVE OF COUNTY COMMISSIONERS TO BRING ACTIONS UNDER THIS ARTICLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-130 is amended by rewriting the first sentence to read as follows:

"Any county interested in the paternity and/or support of a dependent child may institute civil or criminal proceedings against the responsible parent of the child, or may take up and pursue any paternity and/or support action commenced by the mother, custodian or guardian of the child."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

S.B. 378 **CHAPTER 411**

AN ACT TO CLARIFY THAT DEFENDANTS CONVICTED OF DRUG TRAFFICKING OR CONSPIRING TO COMMIT DRUG TRAFFICKING MAY NOT AVOID THE FINES IMPOSED FOR THESE OFFENSES BY SERVING AN ADDITIONAL THIRTY DAYS IN PRISON.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1365 is amended by rewriting the last sentence of that section to read:

"The clerk may not issue an execution, however, if the fine or costs were imposed for an offense other than trafficking in controlled substances or conspiring to traffic in controlled substances under G.S. 90-95(h) and (i), respectively, and the defendant elects to serve the suspended sentence, if any, or serve a term of 30 days, if no suspended sentence was imposed."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

S.B. 391 **CHAPTER 412**

AN ACT TO IMPROVE THE SPECIAL EDUCATION HEARING PROCESS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-116(b) is amended by deleting the last four sentences, beginning with the phrase "This hearing shall contain information".

Sec. 2. G.S. 115C-116 is amended by designating subsection (b1) as (b2) and by adding a new subsection (b1) to read:

"(b1) Hearings. If a hearing is requested by either a local education agency or parent or guardian, an impartial hearing officer approved by

the State Board of Education shall be selected to hear the case. The State Department of Public Instruction, whose rules are established by the State Board of Education, shall provide a list of approved hearing officers to the parent and the local board. Both the parent and the local board shall have the privilege of striking an equal number of names from the list. After these strike-off privileges have been exercised the State Department of Public Instruction shall name the hearing officer from the remaining names. The hearing officer shall have no personal or professional interest that may interfere with his or her objectivity in a hearing. The State Board of Education shall establish procedures for training and monitoring of hearing officers and requirements that assure that hearing officers are knowledgeable concerning pertinent federal and State laws and regulations as well as the Administrative Procedure Act. The parent or guardian of a child of the local education agency may, upon written request, not more than 30 days from the date the hearing decision is received, appeal the decision to the State Superintendent of Public Instruction, who shall make an impartial and independent decision in the case. In the local hearing and the State review, technical rules of evidence shall not apply. The decision of the State Superintendent of Public Instruction may be appealed to the General Court of Justice within 30 days after notice of the decision. The hearing, the agency review and the judicial review shall be conducted in accordance with Articles 3 and 4 of Chapter 150A of the General Statutes unless this section or pertinent federal law or regulation specifies otherwise."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

S.B. 428 **CHAPTER 413**

AN ACT TO ALLOW A SUPPLIER OF SPECIAL FUEL WHO CONSIGNS FUEL TO A RESELLER TO PAY THE EXCISE TAX ON THE FUEL WHEN IT IS SOLD BY THE RESELLER INSTEAD OF WHEN IT IS DELIVERED TO THE RESELLER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-449.16(a) is amended by inserting a new sentence between the first and second sentences of that section to read:

"A supplier who consigns fuel to a reseller may elect to report and pay the tax due on the fuel when the reseller sells or dispenses the fuel instead of when the supplier delivers the fuel to the reseller."

Sec. 2. G.S. 105-449.2(8)c is amended by deleting the phrase "to others" in the third line thereof and inserting in lieu thereof "to the public at retail locations."

Sec. 3. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

S.B. 593 **CHAPTER 414**

AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE THAT ANY ACTION, SUIT OR PROCEEDING WHICH RELATES TO ANY BONDS ISSUED UNDER CHAPTER 159B OR TO ANY SECURITY FOR SAID BONDS MUST BE TRIED IN THE SUPERIOR COURT OF WAKE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to Article 2, Chapter 159B to read:

"§ 159B-37. *Actions relating to bonds or to security for bonds.*—Notwithstanding the general provisions concerning venue contained in Chapter 1, Subchapter IV, Article 7, or elsewhere in the General Statutes, any action or proceeding by or against a municipality or a joint agency that concerns or relates to (a) any bonds issued pursuant to this Chapter, (b) any contract or document the revenues from which secure in whole or in part the payment of said bonds or (c) any other security or source for payment of said bonds must be tried in the Superior Court of Wake County."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1985.

S.B. 37 **CHAPTER 415**

AN ACT TO INCREASE THE FEES FOR THE EQUIPMENT INSPECTION OF MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 20-183.7(a) is amended by deleting "three dollars and sixty-five cents ($3.65) and substituting "four dollars and twenty-five cents ($4.25)".

Sec. 2. The third sentence of G.S. 20-183.7(a) is amended by deleting "sixty cents (60¢)" and substituting "seventy-five cents (75¢)".

Sec. 3. The first sentence of G.S. 20-183.7(al) is amended by deleting "three dollars and sixty-five cents ($3.65)" and substituting "four dollars and twenty-five cents ($4.25)".

Sec. 4. The third sentence of G.S. 20-183.7(al) is amended by deleting "sixty cents (60¢) nor more than two dollars ($2.00)" and substituting "seventy-five cents (75¢) nor more than two dollars and fifteen cents ($2.15)".

Sec. 5. G.S. 20-183.7(c)(1) is rewritten to read:

"(1) Sixty cents (60¢) of the fee for the valid inspection sticker collected pursuant to subsection (a) shall be transferred to the Highway Fund, and the remaining monies shall be placed in a special fund to be designated 'The Safety Inspection Monitoring Fund' to be used at the direction of the Commissioner for monitoring the Equipment Inspection of Motor Vehicles."

Sec. 6. G.S. 20-183.7(c)(2) is rewritten to read:

"(2) The fee of not less than seventy-five cents (75¢) nor more than two dollars and fifteen cents ($2.15) collected pursuant to subsection (al) shall be transferred as follows: the first thirty-five cents (35¢) to the Division of Environmental Management, the next fifteen cents (15¢) to 'The Safety Inspection Monitoring Fund' to be used at the direction of the Commissioner for monitoring the Equipment Inspection of Motor Vehicles, and any excess up to one dollar and sixty-five cents ($1.65) to the Highway Fund."

Sec. 7. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 18th day of June, 1985.

S.B. 136 **CHAPTER 416**

AN ACT TO CLARIFY THE CONFIDENTIALITY OF EDUCATION RECORDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-402 is amended by adding a third paragraph to read:

"The official record of each student is not a public record as the term 'public record' is defined by G.S. 132-1. The official record shall not be subject to inspection and examination as authorized by G.S. 132-6."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1985.

S.B. 207 **CHAPTER 417**

AN ACT TO AMEND G.S. 130A-315 OF THE DRINKING WATER ACT TO AUTHORIZE REGULATIONS ON ADEQUACY OF THE WATER SUPPLY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-315 is hereby amended by adding a new subdivision (c) as follows:

"(c) The rules may also, in conformity with the purpose of this Article as stated in G.S. 130A-312, provide criteria and procedures to insure an adequate supply of drinking water, in the following areas:

(1) Record-keeping and reporting;
(2) Inspection of public water systems and required records;
(3) Criteria for design and construction of new or modified public water systems;
(4) Review and approval of design and construction of new or modified public water systems;
(5) Siting of new public water systems;
(6) Variances and exemptions from these rules; and
(7) Notice of non-compliance."

Sec. 2. The present G.S. 130A-315(c) is hereby amended to redesignate the subdivision as (d).

Sec. 3. This act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1985.

S.B. 230 **CHAPTER 418**

AN ACT TO AMEND PROVISIONS CONCERNING COMPENSATION OF MEMBERS OF LOCAL BOARDS OF HEALTH AND BOARDS OF SOCIAL SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-35(h) is rewritten to read:

"(h) A member may receive a per diem in an amount established by the County Board of Commissioners. Reimbursement for subsistence and travel shall be in accordance with a policy set by the county board of Commissioners."

Sec. 2. G.S. 130A-37(i) is rewritten to read:

"(i) A member may receive a per diem in an amount established by the county commissioner members of the District Board of Health. Reimbursement for subsistence and travel shall be in accordance with a policy set by the county commissioner members of the District Board of Health."

Sec. 3. G.S. 108A-8 is rewritten to read:

"Members of the county board of social services may receive a per diem in such amount as shall be established by the county board of commissioners. Reimbursement for subsistence and travel shall be in accordance with a policy set by the county board of commissioners."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1985.

S.B. 509 **CHAPTER 419**

AN ACT TO ALLOW CUMULATIVE VOTING TO ELECT CORPORATE DIRECTORS IF THERE IS A STOCKHOLDER WHO OWNS OR CONTROLS MORE THAN ONE FIFTH RATHER THAN ONE FOURTH OF THE VOTING STOCK.

The General Assembly of North Carolina enacts:

Section 1. G.S. 55-67(c) is amended in the third sentence by deleting the words "one fourth" and substituting the words "one fifth".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1985.

H.B. 432 **CHAPTER 420**

AN ACT TO REGULATE HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt with guns or dogs upon the lands of another without permission from the owner or lessor of the land.

Sec. 2. Violation of this act is a misdemeanor punishable by a fine of fifty dollars ($50.00) or imprisonment not to exceed 30 days.

Sec. 3. This act is enforceable by enforcement officers of the North Carolina Wildlife Resources Commission, by deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Sec. 4. This act applies only to Hyde County.

Sec. 5. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1985.

H.B. 634 **CHAPTER 421**

AN ACT TO REPEAL THE PROHIBITION AGAINST USING BAIT TO HUNT BIG GAME IN PENDER COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Section 2, Chapter 585, 1977 Session Laws, is repealed.

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 18th day of June, 1985.

H.B. 659 **CHAPTER 422**

AN ACT TO PROVIDE FOR AN ALTERNATIVE EMINENT DOMAIN PROCEDURE FOR THE CITY OF CONOVER AND THE TOWN OF MAIDEN AND THE CITY OF HICKORY.

The General Assembly of North Carolina enacts:

Section 1. A city has the power of eminent domain and may acquire, either by purchase, gift or condemnation, any land, right of access, right-of-way, water right, privilege, easement, or any other interest in or relating to land, water or improvements, either within or without the city limits, for any lawful public use or purpose. In the exercise of the power of eminent domain, the city is vested with all power and authority now or hereafter granted by the laws of North Carolina applicable to the city, and the city shall follow the procedures now or hereafter prescribed by said laws; provided that, notwithstanding the provisions of G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property within the city limits to be used for streets and highways, water supply and distribution systems, sewage collection and disposal systems, and airports, the city may use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now

or hereafter amended; provided further, that whenever therein the words "Secretary" or "Secretary of Transportation" appear, they shall be deemed to include the "City Manager"; provided further that nothing herein shall be construed to enlarge the power of the city to condemn property already devoted to public use. The city is also vested with the authority to condemn for public library purposes, property, rights, privileges, easements and restrictive covenants and conditions, including any restrictive covenants and conditions applicable to real estate now or hereafter owned, restricting the use of same in any manner whatsoever. This act is supplemental to the powers of the city under Chapter 40A of the General Statutes.

Sec. 2. This act applies only to the City of Conover, the City of Hickory and the Town of Maiden.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1985.

H.B. 593 **CHAPTER 423**

AN ACT TO CONFORM NORTH CAROLINA LIMITATIONS ON TANDEM TRAILERS AND SEMITRAILERS WITH FEDERAL STATUTES AND TO MAKE OTHER CHANGES.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 20-115.1(a) is amended by adding immediately after the words "Interstate System" the words "(except those exempted by the United States Secretary of Transportation pursuant to 49 USC 2311(i))".

Sec. 2. The second sentence of G.S. 20-115.1(a) is amended by deleting "within a sixty-five (65) foot overall length" and substituting "permitted by this section for trailers or semitrailers which are twenty-eight (28) feet in length".

Sec. 3. G.S. 20-115.1(b) is amended by adding immediately after the words "Interstate highways" the words "(except those exempted by the United States Secretary of Transportation pursuant to 49 USC 2311(i))" and is further amended by adding immediately after the word "Federal-aid" the words "Primary System".

Sec. 4. G.S. 20-115.1(c) is rewritten to read:

"(c) Motor vehicles with a width not exceeding one hundred and two (102) inches may be operated on the Interstate highways (except those exempted by the United States Secretary of Transportation pursuant to 49 USC 2316(e)) and other qualifying Federal-aid highways designated by the United States Secretary of Transportation, with traffic lanes designed to be a width of twelve (12) feet or more and any other qualifying Federal-aid Primary System highway designated by the United States Secretary of Transportation if the Secretary has determined that the designation is consistent with highway safety."

Sec. 5. G.S. 20-115.1(d) is amended by adding immediately after the words "Interstate System" the words "(except those exempted by the United States Secretary of Transportation pursuant to 49 USC 2311(i))".

Sec. 6. The first sentence of G.S. 20-115.1(f) is rewritten to read:

"(f) Motor vehicle combinations operating pursuant to this section shall have reasonable access between (i) highways on the Interstate System (except those exempted by the United States Secretary of Transportation pursuant to 49 USC 2311(i) and 49 USC 2316(e)) and other qualifying Federal-aid highways as designated by the United States Secretary of Transportation and (ii) terminals, facilities for food, fuel, repairs, and rest and points of loading and unloading by household goods carriers and by any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed twenty-eight and one-half (28 ½) feet and a width not to exceed one hundred two (102) inches as provided in subsection (c) of this section and which generally operates as part of a vehicle combination described in subsection (a) of this section. The North Carolina Department of Transportation may, on streets and highways on the State Highway System, and any municipality may, on streets and highways on the Municipal Street System, impose reasonable restrictions based on safety considerations on any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed twenty-eight and one-half (28 ½) feet and which generally operates as part of a vehicle combination described in subsection (a) of this section."

Sec. 7. G.S. 20-115.1 is amended by adding a new subsection to read:

"(g) Under certain conditions, and after consultation with the Joint Legislative Commission on Governmental Operations, the North Carolina Department of Transportation may designate State highway system roads in addition to those highways designated by the United States Secretary of Transportation for use by the vehicle combinations authorized in this section. Such designations by the Department shall only be made under the following conditions:

(1) a determination of the public convenience and need for such designation;

(2) a traffic engineering study which clearly shows the road proposed to be designated can safely accommodate and has sufficient capacity to handle these vehicle combinations; and

(3) a public hearing is held or the opportunity for a public hearing is provided in each county through which the designated highway passes, after two weeks notice posted at the courthouse and published in a newspaper of general circulation in each county through which the designated State highway system road passes, and consideration is given to the comments received prior to the designation.

No portion of the State highway system within municipal corporate limits may be designated by the Department without concurrence by the municipal governing body. Also, the Department may not designate any portion of the State highway system that has been deleted or exempted by the United States Secretary of Transportation based on safety considerations. For the purpose of this section, any highway designated by the Department shall be deemed to be the same as a Federal-aid primary highway designated by the United States Secretary of Transportation pursuant to 49 USC 2311 and 49 USC 2316, and the vehicle combinations authorized in this section shall be permitted to operate on such highway."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1985.

H.B. 683 **CHAPTER 424**

AN ACT TO INCORPORATE THE TOWN OF COOLEEMEE IN DAVIE COUNTY SUBJECT TO AN ELECTION.

The General Assembly of North Carolina enacts:

Section 1. (a) The Board of Elections of Davie County may call and conduct a special election on such date as it shall determine, but within 1985, for the purpose of submitting to the qualified voters of the area hereinafter described as the proposed corporate limits of the Town of Cooleemee the question whether or not such area shall be incorporated as a municipal corporation known as the Town of Cooleemee, and to elect the members of the governing body if said area is incorporated. The Board of Elections for Davie County in conducting the election required to be held herein shall follow the procedure as outlined in this act and in the General Statutes relating to municipal elections where not in conflict with this act.

(b) Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(c) Any qualified voter who would offer himself as a candidate for commissioner or mayor in such election shall file with the Chairman or Supervisor of the Board of Elections of Davie County a written statement giving notice of his candidacy. Such notice shall be filed not earlier than 45 days and not later than 30 days before the election, and shall be substantially in the following form: "I,_____, do hereby give notice that I am a candidate for election to the office of (Commissioner) (Mayor), Town of Cooleemee, in the election to be held on call of the Board of Elections of Davie County, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the proposed Town of Cooleemee, residing at _____, _____, 19____.

Witness:_____ _____
Signature

(d) In the special election, those voters who favor the incorporation of the Town of Cooleemee as provided in this act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of Town of Cooleemee", and those voters who are opposed to the incorporation of the Town of Cooleemee as provided in this act shall vote a ballot upon which shall be printed the words: "AGAINST Incorporation of Town of Cooleemee".

(e) Also in the special election, each qualified registered voter shall be entitled to vote for four candidates for Commissioner and one Mayor upon ballot on which shall be listed, in alphabetical order, the names of all persons who filed notice of candidacy with the Board of Elections during the period hereinabove established.

Sec. 2. If a majority of the votes cast in such special election are not cast "FOR Incorporation of Town of Cooleemee", then Sections 4 through 6 of this act shall have no force and effect.

Sec. 3. If a majority of the votes cast in such special election shall be cast "FOR Incorporation of Town of Cooleemee", then Sections 4 through 6 of this act shall be in full force and effect from and after date of the election.

Sec. 4. In the special election, the two candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected to serve until the 1989 municipal election or until their successors are elected and qualified, and the two candidates for Commissioner who receive the next largest numbers of votes cast for Commissioner shall be declared elected to serve until the 1987 municipal election or until their successors are elected and qualified. The candidate for Mayor who receives the largest number of votes shall be declared elected to serve until the 1989 municipal election or until his successor is elected and qualified.

Sec. 5. The Charter of the Town of Cooleemee is as follows:

"THE CHARTER OF THE TOWN OF COOLEEMEE.
"ARTICLE 1. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and General Powers. The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate described under the name of the 'Town of Cooleemee', and shall be vested with all property which may be acquired by the Town, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporation.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Cooleemee shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Corporate Boundaries: (a) Beginning at River Bridge, Highway 801 to Rowan County, follow South Yadkin River upstream to 'Cowpasture Branch' just beyond River Dam. Follow Branch to point adjacent to Church Street Extension, then to a point northwest end of Hickory Street, then to include all property adjoining Hickory Street to intersection of Hickory Street and State Road No. 1128 and all property adjoining State Road No. 1128 to Highway 801; then all property adjoining Highway 801 to intersection at Midway Street to Center Street; then go southwest on centerline of Center Street to point approximately 200 feet from Midway Street. At this point, all adjoining property on Center Street to Holt Street. Include all property adjoining Holt Street, north on line to River Bridge at Beginning point.

(b) As soon as practicable following their election, the Board of Commissioners of the Town of Cooleemee shall cause to be made an accurate survey of the corporate boundaries and shall cause to be made an accurate map based upon such survey. After such survey and map is completed, and after the Board of Commissioners of the Town of Cooleemee finds and declares upon its minutes that the boundaries shown on such map do not vary from the description in subsection (a) of this section, they shall cause accurate copies of such map to be filed in the Office of the Register of Deeds of Davie County, in the Office of the Davie County Board of Elections, and in the Office of the Secretary of State of North Carolina. From and after the time a copy of such map is filed in the Office of the Register of Deeds of Davie County, the corporate boundaries as shown thereon shall be the corporate boundaries of the Town of Cooleemee until changed in accordance with law. An accurate copy of such map shall also be maintained in the Town offices.

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS.

"Section 3.1. Mayor and Mayor Pro Tempore. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. When there is an equal division upon any question, or in the appointment of officers, by the Board, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Commissioners shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the Board of Commissioners.

"Section 3.2. Composition of Board of Commissioners. The Board of Commissioners shall consist of four members to be elected by and from the qualified voters of the Town voting at large in the manner provided by Article IV.

"Section 3.3. Terms; Qualifications; Vacancies. Except for the initial terms of office hereinbefore specified, the Mayor and the members of the Board of Commissioners shall serve for terms of four years, beginning the

day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

"Section 3.4. Organization of Boards; Oaths of Office. The Board of Commissioners shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election as provided by law.

"Section 3.5. Meetings of Board. The Board of Commissioners shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be called and held as provided by law.

"Section 3.6. Quorum; Votes. The voting and quorum requirements of general law shall apply.

"Section 3.7. Ordinances and Resolutions. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all ordinances shall be: 'Be it ordained by the Board of Commissioners of the Town of Cooleemee'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.

"ARTICLE IV. ELECTION PROCEDURE.

"Section 4.1. Regulations of Elections. All municipal elections shall be conducted in accordance with the General Statutes under the nonpartisan plurality method of election, except as otherwise herein provided.

"Section 4.2. Regular Municipal Elections. The nonpartisan plurality method of election shall be employed. In the regular 1987 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two Commissioners to serve for a term of four years, or until their successors are elected and qualify. In the regular 1989 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two Commissioners and a Mayor to serve for terms of four years, or until their successors are elected and qualify.

"ARTICLE V. TOWN ATTORNEY.

"Section 5.1. Appointment; Qualifications; Term; Compensation. The Board of Commissioners shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his tenure. The Town Attorney shall serve at the pleasure of the Board of Commissioners and shall receive such compensation as the Board shall determine.

"Section 5.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Board of Commissioners, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other documents with which the Town may be concerned; to attend all

meetings of the Board of Commissioners; and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

"ARTICLE VI.
"ADMINISTRATIVE OFFICERS AND EMPLOYEES.

"Section 6.1. Town Clerk. The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board may direct.

"Section 6.2. Town Tax Collector. The Board of Commissioners shall appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection of taxes by municipalities.

"Section 6.3. Town Accountant. The Board of Commissioners may appoint a Town Accountant to perform the duties of the Accountant as required by the Local Government Budget and Fiscal Control Act.

"Section 6.4. Consolidation of Functions. The Board of Commissioners may, in its discretion, consolidate the functions of any two or more of these positions to the holder or holders of any other of these positions except as limited by general law. The Board may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 6.5. Other Employees. The Board of Commissioners may create and fill by appointment such other positions as it deems advisable to insure the efficient administration of the affairs of the Town, and may, in its discretion, appoint a person to supervise all Town departments, and may delegate to such person the power of appointment and removal of department heads and employees, other than the Town Attorney."

Sec. 6. The Board of Commissioners may adopt a budget ordinance for the 1985-86 fiscal year, following their qualification for office, without having to comply with the budget preparation and adoption timetable set out in the Local Government Budget and Fiscal Control Act. If the initial budget is adopted after January 1, 1986, property taxes may be paid at par within 90 days of adoption of the budget ordinance, and thereafter according to the schedule in G.S. 105-360 as if the taxes had been due on September 1, 1985.

Sec. 7. If any provisions of this act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1985.

H.B. 894

CHAPTER 425

AN ACT TO PERMIT THE ANNUAL CONFERENCE OF CHIEF JUDGES TO DETERMINE WHICH ALCOHOL OFFENSES ARE SUBMITTABLE AND GRANTING AUTHORITY TO CHIEF DISTRICT JUDGES, CLERKS OF COURT AND MAGISTRATES TO HANDLE SUCH ALCOHOL OFFENSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-148(a) is amended by deleting the words "and boating offenses under Chapter 75A" and substituting the words "boating offenses under Chapter 75A, and alcohol offenses under Chapter 18B".

Sec. 2. G.S. 7A-146(8) is amended by deleting the words "and boating offenses under Chapter 75A" and substituting the words "boating offenses under Chapter 75A, and alcohol offenses under Chapter 18B".

Sec. 3. G.S. 7A-180(4) is amended by deleting the words "and boating offenses under Chapter 75A" and substituting the words "boating offenses under Chapter 75A, and alcohol offenses under Chapter 18B".

Sec. 4. G.S. 7A-273(2) is amended by deleting the words "and boating offenses under Chapter 75A" and substituting the words "boating offenses under Chapter 75A, and alcohol offenses under Chapter 18B".

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1985.

H.B. 901

CHAPTER 426

AN ACT TO AMEND G.S. 28A-15-1(c) TO PROVIDE THAT GENERAL LANGUAGE IN A WILL GRANTING A PERSONAL REPRESENTATIVE A POWER OF SALE IS SUFFICIENT TO ELIMINATE THE NECESSITY OF A SPECIAL PROCEEDING UNDER ARTICLE 17 OF CHAPTER 28A AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-15-1(c) is amended by adding a new sentence at the end thereof to read as follows:

"A general provision granting authority to the personal representative to sell the testator's real property, or incorporation by reference of the provisions of G.S. 32-27(2) shall be sufficient to eliminate the necessity for a proceeding under Article 17."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1985.

H.B. 1002 **CHAPTER 427**

AN ACT TO CLARIFY THE DUTIES OF EMERGENCY VEHICLES AT RED LIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-156(b) is amended by adding a new sentence, immediately after the first sentence, to read: "When appropriate warning signals are being given, as provided in this subsection, an emergency vehicle may proceed through an intersection or other place when the emergency vehicle is facing a stop sign, a yield sign, or a traffic light which is emitting a flashing strobe signal or a beam of steady or flashing red light."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 19th day of June, 1985.

H.B. 1359 **CHAPTER 428**

AN ACT TO AMEND THE LAW REGARDING THE NOMINATION OF PERSONS FOR THE STATE BOARD OF COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. The eighth sentence of G.S. 115D-2.1(b)(4)f. is rewritten to read: "If a sufficient number of candidates are submitted to the committee of the House of Representatives then that committee shall nominate at least two persons for each place to be filled by the House of Representatives, otherwise that committee shall nominate at least one person for each place to be filled by the House of Representatives. The committee of the Senate shall nominate at least two persons for each place to be filled by the Senate."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1985.

H.B. 507 **CHAPTER 429**

AN ACT TO AMEND THE TOWN OF KNIGHTDALE CHARTER TO PERMIT CONDITIONAL USE ZONING.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Knightdale as enacted by Chapter 155 of the Private Laws of 1927 is amended by adding a new section to read:

"Section 6.1. Conditional Use Districts. In addition to the powers granted to the Town in G.S. 160A-381 *et seq.*, the Town may provide for the creation of conditional use zoning districts.

It is the purpose and intent of this section to permit the Town to create, through the legislative process, both general use districts, in which a

variety of uses are permitted, and conditional use districts, in which limited uses are permitted only upon approval by the Town.

A person petitioning for rezoning of a tract of land where conditional use districts are authorized by ordinance, may elect to request a general use district or a conditional use district for the tract. If the petitioner elects to petition for the general use zoning, and if the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district. If the petitioner elects to petition for conditional use district zoning, the petition must specify the actual use or uses which are intended for the property specified in the petition. If the petition is for conditional use district zoning, the Town is to approve or disapprove the petition on the basis of the specific use or uses requested."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1985.

H.B. 995

CHAPTER 430

AN ACT TO ALLOW COUNTIES IN CREATING AMBULANCE AND RESCUE SQUAD SERVICE DISTRICTS TO LIMIT THE TAX RATE IN THAT DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. Article 16 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-310. *Rate limitation in certain districts.*—(a) In connection with the establishment of a service district for ambulance and rescue as provided by G.S. 153A-301(7), if the board of commissioners adopts a resolution within 90 days prior to the public hearing required by G.S. 153A-302(c) but prior to the first publication of notice required by subsection (b) of this section, which resolution states that property taxes within a district may not be levied in excess of a rate of five cents (5¢) on each one hundred dollars ($100.00) of property subject to taxation, then property taxes may not be levied in that service district in excess of that rate.

(b) Whenever a service district is established under this section, instead of the procedures for hearing and notice under G.S. 153A-302(c), the board of commissioners shall hold a public hearing before adopting any resolution defining a new service district under this section. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by G.S. 153A-302(b) is available for public inspection in the office of the clerk to the board. The notice shall be published at least twice, with one publication not less than two weeks before the hearing, and the other publication on some other day not less than two weeks before the hearing."

Sec. 2. Notwithstanding G.S. 153A-302(d), if a service district is created under G.S. 153A-301(7) with the rate limitation provided by G.S. 153A-310, by passage on or before August 1, 1985, of a resolution defining it, taxes may be levied in that district for fiscal year 1985-86.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1985.

H.B. 1148 **CHAPTER 431**

AN ACT AUTHORIZING LAKE AUTHORITIES TO OBTAIN REFUNDS OF STATE AND LOCAL SALES AND USE TAXES.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of G.S. 105-164.14(c) is amended by inserting between the phrase "Statutes," and the word "sanitary" the phrase "lake authorities created by a board of county commissioners pursuant to an act of the General Assembly,".

Sec. 2. This act is effective upon ratification and applies to sales and use taxes paid on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 20th day of June, 1985.

H.B. 87 **CHAPTER 432**

AN ACT TO CLARIFY THE LAW AGAINST CARRYING CONCEALED WEAPONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-269 (a) is amended by adding the following sentence at the end of that subsection to read:

"This section does not apply to an ordinary pocket knife carried in a closed position. As used in this section, 'ordinary pocket knife' means a small knife, designed for carrying in a pocket or purse, which has its cutting edge and point entirely enclosed by its handle, and that may not be opened by a throwing, explosive or spring action."

Sec. 2. G.S. 14-269 is further amended by adding a new subsection (c) as follows, and by redesignating the present subsection (c) as subsection (d):

"(c) It is a defense to a prosecution under this section that:

(1) The weapon was not a firearm;

(2) The defendant was engaged in, or on the way to or from, an activity in which he legitimately used the weapon;

(3) The defendant possessed the weapon for that legitimate use; and

(4) The defendant did not use or attempt to use the weapon for an illegal purpose.

The burden of proving this defense is on the defendant."

Sec. 3. G.S. 14-269(a) is further amended by adding immediately after the word "razor," the words "shurikin, stun gun,".

Sec. 4. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 20th day of June, 1985.

S.B. 318 **CHAPTER 433**

AN ACT TO PROVIDE THAT STANLY COUNTY IS AUTHORIZED TO CONSTRUCT GAS LINES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-274 is amended by adding a new subdivision to the end to read:

"(7) Gas production, storage, transmission, and distribution systems, where systems shall also include the purchase and/or lease of natural gas fields and natural gas reserves, the purchase of natural gas supplies, and the surveying, drilling and any other activities related to the exploration for natural gas, whether within the State or without."

Sec. 2. G.S. 40A-3(c) is amended by adding a new subdivision (12) to read:

"(12) An airport authority established under the provisions of Chapter 419 of the 1971 Session Laws of North Carolina for the purposes of that Chapter."

Sec. 3. This act applies only to Stanly County.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.

S.B. 588 **CHAPTER 434**

AN ACT TO INCREASE THE SERVICE FEE IN G.S. 14-344 APPLICABLE TO SELLING ADMISSION TICKETS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-344 is amended by rewriting the second sentence of that section to read:

"This service fee may not exceed three dollars ($3.00) for each ticket."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.

H.B. 926 **CHAPTER 435**

AN ACT TO AUTHORIZE COUNTIES TO ESTABLISH RESEARCH AND PRODUCTION SERVICE DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. Article 16 of Chapter 153A of the General Statutes is amended by designating the existing Article as Part 1, "County Service Districts", and by adding a new Part 2, to read as follows:

"Part 2.
"County Research and Production Service Districts.

"§ 153A-310. *Purposes for which districts may be established.*—The board of commissioners of any county may define a county research and

production service district in order to finance, provide, and maintain for the district any service, facility, or function that a county or a city is authorized by general law to provide, finance, or maintain. Such a service, facility, or function shall be financed, provided, or maintained in the district either in addition to or to a greater extent than services, facilities, or functions are financed, provided, or maintained for the entire county.

"§ 153A-311. *Definition of research and production service district.*—(a) Standards. The board of commissioners may by resolution establish a research and production service district for any area of the county that, at the time the resolution is adopted, meets the following standards:

(1) All real property in the district is being used for or is subject to covenants that limit its use to research or scientifically oriented production or for associated commercial or institutional purposes.
(2) The district contains at least 4,000 acres.
(3) The district includes research and production facilities that in combination employ at least 5,000 persons.
(4) All real property located in the district was at one time or is currently owned by a nonprofit corporation, which developed or is developing the property as a research and production park.
(5) A petition requesting creation of the district signed by at least fifty percent (50%) of the owners of real property in the district who own at least fifty percent (50%) of total area of the real property in the district has been presented to the board of commissioners. In determining the total area of real property in the district and the number of owners of real property, there shall be excluded (1) real property exempted from taxation and real property classified and excluded from taxation and (2) the owners of such exempted or classified and excluded property.
(6) The district has no more than 25 permanent residents.
(7) There exists in the district an association of owners and tenants, to which at least seventy-five percent (75%) of the owners of real property belong, which association can make the recommendations provided for in G.S. 153A-312.
(8) There exist deed-imposed conditions, covenants, restrictions, and reservations that apply to all real property in the district other than property owned by the federal government.
(9) No part of the district lies within the boundaries of any incorporated city or town.

The Board of Commissioners may establish a research and production service district if, upon the information and evidence it receives, the Board finds that:

(1) The proposed district meets the standards set forth in this subsection; and
(2) It is impossible or impracticable to provide on a countywide basis the additional or higher levels of services, facilities, or functions proposed for the district; and
(3) It is economically feasible to provide the proposed services, facilities, or functions to the district without unreasonable or burdensome tax levies.

(b) Multi-county districts. If an area that meets the standards for creation of a research and production service district lies in more than one county, the boards of commissioners of those counties may adopt concurrent resolutions establishing a service district, even if that portion of the district lying in any one of the counties does not by itself meet the standards. Each of the county boards of commissioners shall follow the procedure set out in this section for creation of a service district.

If a multi-county service district is established, as provided in this subsection, the boards of commissioners of the counties involved shall jointly determine whether the same appraisal and assessment standards apply uniformly throughout the district. This determination shall be set out in concurrent resolutions of the boards. If the same appraisal and assessment standards apply uniformly throughout the district, the boards of commissioners of all the counties shall levy the same rate of tax for the district, so that a uniform rate of tax is levied for district purposes throughout the district. If the boards determine that the same standards do not apply uniformly throughout the district, the boards shall agree on the extent of divergence between the counties and on the resulting adjustments of tax rates that will be necessary in order that an effectively uniform rate of tax is levied for district purposes throughout the district.

The boards of commissioners of the counties establishing a multi-county service district pursuant to this subsection may, by concurrent resolution, provide for the administration of services within the district by one county on behalf of all the establishing counties.

(c) Report. Before the public hearing required by subsection (d), the board of commissioners shall cause to be prepared a report containing:

(1) A map of the proposed district, showing its proposed boundaries;

(2) A statement showing that the proposed district meets the standards set out in subsection (a); and

(3) A plan for providing one or more services, facilities, or functions to the district.

The report shall be available for public inspection in the office of the clerk to the board for at least four weeks before the date of the public hearing.

(d) Hearing and notice. The board of commissioners shall hold a public hearing before adopting any resolution defining a service district under this section. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by subsection (c) is available for public inspection in the office of the clerk to the board. The notice shall be published at least once not less than one week before the date of the hearing. In addition, it shall be mailed at least four weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district. The person designated by the board to mail the notice shall certify to the board that the mailing has been completed and his certificate is conclusive in the absence of fraud.

(e) Effective date. The resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the board of commissioners.

"§ 153A-312. *Advisory Committee.*—The board or boards of commissioners, in the resolution establishing a research and production service district, shall also provide for an advisory committee for the district. Such a committee shall have at least 10 members, serving terms as set forth in the resolution; one member shall be the representative of the developer of the research and production park. The resolution shall provide for the appointment or designation of a chairman. The board of commissioners or, in the case of a multi-county service district, the boards of commissioners shall appoint the members of the advisory committee. If a multi-county service district is established, the concurrent resolutions establishing the district shall provide how many members of the advisory committee are to be appointed by each board of commissioners. Before making the appointments, the appropriate board shall request the association of owners and tenants, required by G.S. 153A-311(a), to submit a list of persons to be considered for appointment to the committee; the association shall submit at least two names for each appointment to be made. Except as provided in the next two sentences, the board of commissioners shall make the appointments to the committee from the list of persons submitted. In addition, the developer of the research and production park shall appoint one person to the advisory committee as the developer's representative on the committee. In addition, in a single county service district, the board of commissioners may make two additional appointments of such other persons as the board of commissioners deems appropriate, and in a multi-county service district, each board of county commissioners may make one additional appointment of such other person as that board of commissioners deems appropriate. Whenever a vacancy occurs on the committee in a position filled by appointment by a board of commissioners, the appropriate board, before filling the vacancy, shall request the association to submit the names of at least two persons to be considered for the vacancy; and the board shall fill the vacancy by appointing one of the persons so submitted, except that if the vacancy is in a position appointed by the board of commissioners under the preceding sentence of this section, the board of commissioners making that appointment shall fill the vacancy with such person as that board of commissioners deems appropriate.

Each year, before adopting the budget for the service district and levying the tax for the district, the board or boards of commissioners shall request recommendations from the advisory committee as to the level of services, facilities, or functions to be provided for the district for the ensuing year. The board or boards of commissioners shall, to the extent permitted by law, expend the proceeds of any tax levied for the district in the manner recommended by the advisory board.

"§ 153A-313. *Extension of service districts.*—(a) Standards. A board of commissioners may by resolution annex territory to a research and production service district upon finding that:

(1) The conditions, covenants, restrictions, and reservations required by G.S. 153A-311(a)(8) that apply to all real property in the

research district, other than property owned by the federal government, also apply or will apply to the property, other than property owned by the federal government, to be annexed.

(2) One hundred percent (100%) of the owners of real property in the area to be annexed have petitioned for annexation.

(3) The district, following the annexation, will continue to meet the standards set out in G.S. 153A-311(a).

(4) The area to be annexed requires the services, facilities, or functions financed, provided, or maintained for the district.

(5) The area to be annexed is contiguous to the district.

(b) Report. Before the public hearing required by subsection (c), the board shall cause to be prepared a report containing:

(1) A map of the district and the adjacent territory proposed to be annexed, showing the present and proposed boundaries of the district; and

(2) A statement showing that the area to be annexed meets the standards and requirements of subsection (a) of this section.

The report shall be available for public inspection in the office of the clerk to the board for at least four weeks before the date of the public hearing.

(c) Hearing and notice. The board shall hold a public hearing before adopting any resolution extending the boundaries of a service district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) of this section is available for inspection in the office of the clerk to the board. The notice shall be published at least once not less than four weeks before the hearing. In addition, the notice shall be mailed at least four weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the area to be annexed. The person designated by the board to mail the notice shall certify to the board that the mailing has been completed, and the certificate shall be conclusive in the absence of fraud.

(d) Effective Date. The resolution extending the boundaries of the district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the board.

"§ 153A-314. *Required provision or maintenance of services.*—(a) New District. When a county or counties define a research and production service district, it or they shall provide, maintain, or let contracts for the services for which the district is being taxed within a reasonable time, not to exceed one year, after the effective date of the definition of the district.

(b) Extended District. When a territory is annexed to a research and production service district, the county or counties shall provide, maintain, or let contracts for the services provided or maintained throughout the district to property in the area annexed to the district within a reasonable time, not to exceed one year, after the effective date of the annexation.

"§ 153A-315. *Abolition of service districts.*—A board or boards of county commissioners may by resolution abolish a research and production service district upon finding that (i) a petition requesting abolition, signed by at least fifty percent (50%) of the owners of real property in the district who

own at least fifty percent (50%) of the total area of real property in the district, has been submitted to the board or boards; and (ii) there is no longer a need for such service district. In determining the total area of real property in the district and the number of owners of real property, there shall be excluded (1) real property exempted from taxation and real property classified and excluded from taxation and (2) the owners of such exempted or classified and excluded property. The board or boards shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour, and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the board or boards. If a multi-county service district is established, it may be abolished only by concurrent resolution of the board of commissioners of each county in which the district is located.

"§ 153A-316. *Taxes authorized; rate limitation.*—A county may levy property taxes within a research and production service district in addition to those levied throughout the county, in order to finance, provide, or maintain for the district services provided therein in addition to or to a greater extent than those financed, provided, or maintained for the entire county. In addition, a county may allocate to a service district any other revenues whose use is not otherwise restricted by law. The proceeds of taxes only within a service district may be expended only for services provided for the district.

Property subject to taxation in a newly established district or in an area annexed to an existing district is that subject to taxation by the county as of the preceding January 1.

Such additional property taxes may not be levied within any district established pursuant to this Article in excess of a rate of ten cents ($.10) on each one hundred dollars ($100.00) value of property subject to taxation."

Sec. 2. No municipality may annex any or all of the following described territory in Durham or Wake Counties pursuant to Parts 2 or 3 of Article 4A of Chapter 160A of the General Statutes, or under any procedure other than Parts 1 or 4 of that Article:

As shown on a plat recorded in Durham County Plat Book 52, pages 71 and 72, Beginning in the North Carolina Grid Coordinate System N 791, 781.52 E 2,035, 863.50, thence N 3° 17′ E 1106.88 feet; thence S 89° 34′ W 297.26 feet; thence N 0° 30′ E 2161.71 feet; thence as shown on a plat recorded in Durham County Plat Book 103, page 33, N 3° 30′ 00″ W 2092.59 feet to the southern right of way line of So-Hi Drive; thence with said, right of way line S 35° 02′ 08″ W 144.46 feet; thence in a southeasterly and northeasterly direction along an arc having a radius of 290.09 feet a distance of 526.56 feet; thence N 40° 57′ 30″ E 90.67 feet; thence leaving the southern right of line of So-Hi Drive S 3° 35′ 21″ E 2059.30 feet; thence as shown on the plat recorded in Durham County Plat Book 52, pages 71 and 72 S 89° 03′ E 300.08 feet; thence as shown on the plat recorded in Durham County Plat Book 105, page 145, N 6° 14′ 05″ E 2444.70 feet; thence along the southern right of way line of So-Hi Drive N 43° 54′ 23″ E 659.38 feet; thence leaving said southern right of way line S 1° 09′ 00″ E 380.20

feet; thence S 84° 15′ 10″ E 660.03 feet; thence S 6° 41′ 51″ W 2617.22 feet; thence as shown on a plat recorded in Durham County Plat Book 86, page 65, S 84° 18′ 00″ E 508.57 feet; thence N 5° 45′ E 407.00 feet; thence S 84° 24′ 46″ E 609.28 feet; thence as shown on a plat recorded in Durham County Plat Book 93, page 65, S 82° 26′ 43″ E 660.00 feet; thence N 6° 58′ 30″ E 626.58 feet; thence S 84° 37′ 48″ E 165.0 feet; thence N 6° 14′ 00″ E 960.0 feet; thence S 82° 52′ 23″ E 819.16 feet; thence with the southern right of way line of Ellis Road southeasterly along an arc having a radius of 6436.64 feet a distance of 705.12 feet; thence as shown on a plat recorded in Durham County Plat Book 105, page 28, and with the southern right of way line of Ellis Road, S 79° 07′ 30″ E 211.10 feet; thence with the western right of way line of the Durham freeway the following courses: S 10° 34′ 30″ W 103.70 feet; S 1° 35′ W 497.94 feet; S 0° 05′ 44″ W 299.51 feet; S 8° 29′ 48″ E 232.82 feet; S 10° 18′ 12″ W 237.11 feet; thence as shown on the plat recorded in Durham County Plat Book 52, pages 71 and 72, and crossing Durham Freeway S 89° 29′ E 723.52 feet; thence S 2° 04′ W 247.63 feet; thence as shown on a plat recorded in Durham County Plat Book 108, page 65, N 49° 01′ 54″ E 580.00 feet; thence N 15° 21′ 54″ E 1220.69 feet; thence N 15° 21′ 54″ E 30.39 feet; thence with the centerline of Ellis Road S 83° 48′ 13″ E 6.68 feet; thence S 80° 40′ 29″ E 50.05 feet; thence S 74° 13′ 32″ E 99.91 feet; thence S 65° 30′ 07″ E 100.01 feet; thence S 58° 43′ 33″ E 100.02 feet; thence S 55° 38′ 46″ E 210.20 feet; thence S 56° 15′ 26″ E 100.00 feet; thence S 58° 29′ 40″ E 49.98 feet; thence S 61° 08′ 29″ E 50.03 feet; thence leaving the centerline of Ellis Road S 00° 49′ 51″ W 33.08 feet; thence S 00° 49′ 51″ W 1327.42 feet; thence S 88° 02′ 59″ E 498.67 feet; thence with the centerline of the Southern Railway S 20° 34′ 55″ W 581.06 feet; thence S 19° 25′ 05″ W 200.14 feet; thence S 17° 24′ 42″ W 200.01 feet; thence S 15° 29′ 18″ W 199.89 feet; thence S 13° 35′ 49″ W 200.93 feet; thence as shown on the plat recorded in Durham County Plat Book 52, pages 71 and 72, south 4284.52 feet along the centerline of the Southern Railway; thence S 87° 14′ E 820.59 feet; thence S 15° 29′ E 119.77 feet; thence S 23° 02′ W 125.17 feet; thence S 42° 13′ W 309.45 feet; thence S 31° 23′ W 156.20 feet; thence S 19° 16′ W 107.12 feet; thence S 7° 18′ W 203.03 feet; thence S 2° 55′ W 336.53 feet; thence S 19° 16′ E 30.5 feet; thence S 2° 47′ W 165.70 feet; thence S 0° 05′ E 160.00 feet; thence S 4° 20′ E 150.00 feet; thence S 2° 24′ E 86.04 feet; thence S 0° 26′ W 341.45 feet; thence S 0° 59′ E 57.99 feet; thence as shown on a plat recorded in Durham County Plat Book 52, page 70, S 0° 54′ E 358.15 feet; thence S 1° 31′ W 120.65 feet; thence N 78° 14′ W 403.10 feet to the eastern right of way line of the Southern Railway; thence as shown on the plat recorded in Durham County Plat Book 52, pages 71 and 72 and with the eastern right of way line of the Southern Railway S 0° 52′ W 214.22 feet; thence leaving the eastern right of way line of the Southern Railway S 78° 18′ E 378.80 feet; thence with the western right of way line of SR 1959 S 0° 43′ W 1013.27 feet; thence S 9° 41′ W 142.90 feet; thence S 6° 04′ W 92.52 feet; thence, leaving the western right of way line of SR 1959 S 11° 37′ W 698.67 feet; thence N 86° 34′ W 261.04 feet; thence with the western right of way line of the Southern Railway S 0° 43′ W 1013.27 feet; thence S 0° 41′ E 207.00 feet; thence S 4° 08′ E 207.00 feet; thence S 7° 51′ E 158.75 feet; thence leaving the western right of way line of the Southern

Railway S 67° 26′ E 225.00 feet; thence southerly along the centerline of the Southern Railway a distance of 1750.79 feet; thence N 86° 34′ W 110.00 feet to the western right of way line of the Southern Railway; thence with the western right of way line of the Southern Railway, S 19° 44′ E 561.47 feet; thence along an arc with a radius of 3090.44 feet a distance of 737.16 feet; thence, leaving the western right of way line of the Southern Railway S 87° 58′ E 110.50 feet; thence southerly along the centerline of the Southern Railway a distance of 1754.44 feet; thence N 87° 16′ W to the western right of way line of the Southern Railway; thence as shown on a plat recorded in Durham County Plat Book 89, page 48, and with the western right of way line of the Southern Railway the following courses: S 7° 08′ 10″ W 53.73 feet; S 5° 24′ 24″ W 103.70 feet; S 3° 25′ 55″ W 103.43 feet; S 1° 29′ 25″ W 103.30 feet; S 0° 34′ 24″ E 104.25 feet; S 2° 53′ 50″ E 103.01 feet; S 3° 59′ 32″ E 100.97 feet; S 4° 12′ 38″ E 99.99 feet; S 3° 25′ 33″ E 98.19 feet; S 1° 34′ 36″ E 96.50 feet; S 0° 34′ 00″ W 96.72 feet; S 2° 39′ 04″ W 96.33 feet; S 4° 45′ 29″ W 96.47 feet; S 6° 49′ 55″ W 96.64 feet; S 8° 54′ 58″ W 105.46 feet; S 10° 58′ 12″ W 86.91 feet; S 12° 48′ 59″ W 96.55 feet; S 14° 43′ 07″ W 74.64 feet; S 16° 30′ 31″ W 118.12 feet; S 18° 51′ 42″ W 96.60 feet; S 20° 52′ 05″ W 96.67 feet; S 21° 55′ 29″ W 44.61 feet; thence as shown on a plat recorded in Durham County Plat Book 94, page 48, along an arc with a radius of 3364.30 feet a distance of 76.42 feet; thence S 23° 34′ 53″ W 17.80 feet to the intersection of the western right of way line of the Southern Railway with the northern right of way line of NC 54; thence southwesterly to the intersection of the western right of way line of the Southern Railway with the southern right of way line of NC 54; thence S 23° 34′ 53″ W 703.18 feet; thence, leaving the western right of way line of the Southern Railway, N 82° 04′ W 610.40 feet; thence N 14° 45′ 18″ W 162.50 feet; thence N 62° 11′ 10″ W 140.68 feet; thence N 55° 57′ W 161.50 feet; thence N 85° 20′ 36″ W 123.05 feet; thence N 56° 16′ 10″ W 101.84 feet; thence N 79° 36′ 56″ W 224.13 feet; thence N 77° 48′ 24″ W 1896.15 feet; thence N 88° 39′ 21″ W 658.86 feet; thence S 0° 36′ 34″ W 1946.54 feet; thence S 0° 05′ 31″ E 908.77 feet; thence S 63° 38′ 30″ E 292.07 feet; thence S 12° 08′ 09″ E 2056.86 feet; thence S 88° 51′ 20″ W 803.00 feet; thence as shown on the plat recorded in Durham County Plat Book 52, pages 71 and 72, S 88° 46′ W 844.20 feet; thence S 6° 56′ E 2640.92 feet; thence S 88° 39′ E 157.15 feet; thence S 86° 52′ E 1264.40 feet; thence S 2° 42′ E 1397.80 feet; thence S 2° 38′ E 939.0 feet; thence N 87° 56′ E 1142.0 feet; thence S 0° 54′ W 19.8 feet; thence S 12° 19′ E 144.89 feet; thence southwesterly along Cow Lick Branch a distance of 1462.50 feet; thence as shown on the plat recorded in Wake County Registry, Book of Maps 1977, page 113, S 71° 07′ 42″ E 255.59 feet; thence S 74° 14′ 35″ E 1654.26 feet; thence S 87° 56′ 27″ E 2009.46 feet; thence S 05° 43′ 21″ W 1207.38 feet; thence S 85° 51′ 07″ E 665.00 feet; thence N 06° 38′ 53″ E 367.00 feet; thence S 89° 51′ 21″ E 534.57 feet; thence S 2° 39′ 38″ E 635.00 feet; thence S 78° 38′ 01″ E 800.00 feet; thence N 88° 05′ 03″ E 378.87 feet; thence with the western right of way line of SR 1637 S 1° 17′ 49″ W 474.72 feet; thence along an arc with a radius of 1044.44 feet a distance of 358.38 feet; thence, leaving the western right of way line of SR 1637 N 87° 43′ 06″ W 539.23 feet; thence S 4° 02′ 45″ E 470.96 feet; thence N 87° 25′ 27″ W 851.72 feet; thence S 89° 40′ 30″ W 799.19 feet;

thence N 19° 28′ 52″ W 99.84 feet; thence S 89° 39′ 43″ W 199.94 feet; thence S 19° 39′ 35″ E 99.89 feet; thence S 89° 40′ 30″ W 199.53 feet; thence S 5° 59′ 36″ E 784.00 feet; thence S 8° 30′ 20″ E 611.64 feet; thence N 71° 53′ 20″ W 1178.43 feet; thence N 66° 40′ 44″ W 1931.06 feet; thence as shown on the plat recorded in Durham County Plat Book 52, pages 71 and 72 S 2° 00′ W 629.42 feet; thence S 86° 42′ W 1108.39 feet; thence N 3° 19′ E 1658.87 feet; thence N 89° 10′ W 1867.71 feet; thence S 10° 21′ W 192.45 feet; thence N 84° 53′ W 2713.40 feet; thence S 3° 19′ W 810.24 feet; thence N 37° 40′ W 315.55 feet; thence N 8° 11′ W 450.80 feet; thence N 28° 56′ W 141.71 feet; thence S 89° 53′ W 56.75 feet; thence S 3° 39′ E 519.79 feet; thence S 31° 38′ W 55.05 feet; thence S 1° 37′ W 225.1 feet; thence northwesterly along the northern right of way line of the former Durham and Southern Railroad (presently the Seaboard System Railroad) a distance of 2434.01 feet; thence leaving said northern right of way line N 23° 41′ E 281.88 feet; thence N 65° 33′ W 433.84 feet; thence S 13° 29′ W 170.65 feet; thence along the northern right of way line of the Seaboard System Railroad a distance of 466.91 feet; thence as shown on the plat recorded in Wake County Registry, Book of Maps 1983, page 1127, and also along the northern right of way line of the Seaboard System Railroad N 48° 07′ 10″ W 1101.77 feet; thence as shown on a plat of the L.C. McCarson property drawn by Credle Engineering Co., March, 1957, S 5° 00′ W 1708.67 feet; thence northerly with the eastern right of way line of N.C. 55 a distance of 2802 feet; thence and with reference to a map of the McCarson-Porterfield property recorded in the Wake County Registry, Book of Maps 1977, page 351, and leaving said right of way line S 82° 17′ 56″ E 216.81 feet to the western right of way line of the (former) Durham and Southern Railroad; thence with said right of way line along an arc with a radius of 1959.86 feet a distance of 200.52 feet; thence leaving said right of way line N 81° 39′ E 189.8 feet to the eastern right of way line of N.C. 55; thence and as shown on the Credle Engineering Co. March, 1957, plat and with said right of way line of N.C. 55 northerly a distance of 2218 feet; thence leaving said right of way line S 85° 20′ E 385 feet to a point in the eastern right of way line of the (former) Durham and Southern Railroad; thence as described in a deed for the W. Preston Marcom property, DB 3379-261 in the Wake County Registry, S 56° E 3036 feet to a point in Kit Creek Road; thence as shown on the plat recorded in Wake County Registry, Book of Maps 1964, Volume I, page 107, N 30° 24′ W 150.00 feet; thence N 67° 50′ E 30.00 feet; thence N 67° 50′ E 116.18 feet; thence N 12° 40′ W 3075.11 feet; thence as shown on the plat recorded in Durham County Plat Book 52, pages 71 and 72, N 88° 06′ W 675.90 feet; thence southwesterly along an unnamed branch 637.30 feet; thence N 89° 04′ W 331.13 feet; thence northeasterly along the eastern right of way line of the former Durham and Southern Railroad (presently the Seaboard System Railroad) a distance of 4892.13 feet; thence leaving said right of way line S 87° 26′ E 142.3 feet; thence N 38° 28′ W 81.8 feet; thence with the eastern right of way line of Alston Avenue (SR 1945) a distance of 2735.67 feet; thence leaving said right of way line S 88° 14′ E 866.21 feet; thence N 1° 20′ E 2533.03 feet; thence S 86° 46′ E 22.85 feet; thence N 89° 26′ W 150.49 feet; thence as shown on a plat recorded in Durham County Plat Book 64, page 78, N 89° 20′ 40″ 1642.01 feet; thence N 0° 27′

26″ E 590.20 feet; thence N 88° 26′ 20″ W 199.72 feet; thence with the eastern right or way line of Alston Avenue (SR 1945) N 0° 38′ E 1445.32 feet; thence, leaving said right of way line S 89° 0′ 38″ E 196.90 feet; thence N 0° 40′ 43″ E 300.13 feet; thence N 0° 13′ E 299.80 feet; thence S 89° 02′ 54″ E 353.85 feet; thence S 1° 31′ 22″ W 199.84 feet; thence S 89° 42′ 03″ E 182.55 feet; thence N 18° 54′ E 111.75 feet; thence S 70° 46′ E 100.15 feet; thence N 18° 54′ E 259.75 feet to the northern right of way line of N.C. 54, thence as shown on a plat recorded in Durham County Plat Book 59, page 41, easterly along the northern right of way line of N.C. 54 a distance of 11.18 feet; thence, leaving said right of way line N 19° 08′ E 200.0 feet; thence S 71° 02′ E 164.6 feet; thence N 0° 28′ E 1091.24 feet; thence S 66° 19′ W 6.11 feet; thence S 76° 18′ W 147.08 feet; thence S 83° 32′ W 100.0 feet; thence S 83° 58′ W 300.0 feet; thence N 0° 09′ E 214.4 feet; thence N 89° 51′ W 517.23 feet; thence N 0° 07′ E 478.10 feet; thence with the southern right of way line of the then termed Proposed N.C. 54 Relocation (presently I-40) the following courses: S 69° 46′ E 412.80 feet; S 63° 51′ E 400.1 feet; S 65° 49′ E 530.30 feet; S 64° 24′ W 44.79 feet; thence, still with said southern right of way line, easterly along an arc with a radius of 28,522.88′ a distance of 998.84 feet; thence as shown on the plat recorded in Durham County Plat Book 52, pages 71 and 72, and leaving said southern right of way line N 5° 11′ E 879.57 feet; thence N 6° 00′ E 207.51 feet; thence N 89° 57′ W 5.13 feet; thence N 1° 16′ E 1230.64 feet; thence N 1° 06′ E 1736.34 feet; thence as shown on a plat recorded in Durham County Plat Book 98, page 68, N 82° 59′ 27″ W 1839.15 feet; thence N 7° 05′ E 286.5 feet; thence S 82° 08′ 19″ E 200.15 feet; thence N 7° 05′ E 199.93 feet; thence S 82° 43′ 46″ E 230.97 feet; thence as shown on a plat recorded in Durham County Plat Book 86, page 75, N 1° 37′ 00″ E 1020.14 feet; thence N 89° 14′ 24″ E 1000.61 feet; thence as shown on the plat recorded in Durham County Plat Book 52, pages 71 and 72, northerly along Northeast Creek a distance of 1106.22 feet; thence leaving Northeast Creek, N 45° 55′ W 555.69 feet; thence N 15° 57′ E 776.84 feet; thence easterly along the centerline of Cornwallis Road as it existed prior to its 1968 relocation a distance of 1476.05 feet; thence N 5° 20′ E 1098.95 feet; thence N 88° 07′ W 516.96 feet to the point of beginning, North Carolina Plan Coordinate Grid System Point N 791,781.52 E 2,035,863.50.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 97 **CHAPTER 436**

AN ACT TO PERMIT LOCAL SCHOOL BOARDS TO ENTER INTO CERTAIN LEASE PURCHASE CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(28) To enter lease purchase contracts for automobiles. Local boards may purchase automobiles by installment contracts that create in the property purchased a security interest to secure payment of the purchase

money. A contract entered into under this subdivision is subject to the provisions of Article 8 of Chapter 159 of the General Statutes, except for G.S. 159-148(a)(4) and (b)(2). The lease purchase contract shall provide that there be no recourse for default in payments under the contract other than return of the automobile. The taxing power of any tax levying authority is not and may not be pledged directly or indirectly to secure any moneys due the seller."

Sec. 2. The second sentence of G.S. 115C-522(a) is amended by rewriting the proviso to read: "Provided, that no contracts shall be made by any local school administrative unit for purchases unless provision has been made in the budget of the unit to pay for the purchases, unless surplus funds are on hand to pay for the purchases, or unless the contracts are made pursuant to G.S. 115C-47(28) and adequate funds are available to pay in the current fiscal year the sums obligated for the current fiscal year, and in order to protect the State purchase contractor, it is made the duty of the governing authorities of the local units to pay for these purchases promptly and in accordance with the terms of the contract of purchase."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.

H.B. 436 CHAPTER 437

AN ACT TO INCORPORATE THE VILLAGE OF CLEMMONS IN FORSYTH COUNTY, SUBJECT TO REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. (a) The Forsyth County Board of Elections shall conduct an election on the date of the general election in November 1986, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of the Village of Clemmons, the question of whether or not such area shall be incorporated as the Village of Clemmons. Registration for the election shall be conducted in accordance with the provisions of Chapter 163 of the General Statutes.

(b) In the election, those voters who favor the incorporation of the Village of Clemmons as provided in this act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of Clemmons", and those voters who are opposed to the incorporation of the Village of Clemmons as provided in this act shall vote a ballot upon which shall be printed the words: "AGAINST Incorporation of Clemmons".

Sec. 2. In such election, if a majority of the votes cast are not cast "FOR Incorporation of Clemmons", then Sections 3 through 7 of this act shall have no force and effect.

Sec. 3. In such election, if a majority of the votes cast shall be cast "FOR Incorporation of Clemmons" then: (1) Sections 3 through 7 of this act shall become effective on the date that the Forsyth County Board of Elections determines and certifies the result of the election, and (2) Ronald Willard, Bob Caudill, Felix C. Hege, John F. Hunter and Dennis E. Brewer are hereby appointed as the Village Council of the Village of Clemmons

to serve until their successors are elected and qualify as provided in Article IV of the Charter.

Sec. 4. The Village Council appointed pursuant to the preceding section shall possess and may exercise all the powers granted by the Charter and general laws of North Carolina to the Village of Clemmons. They may meet and organize at any time within 60 days following certification of the election results. They shall select from among their members a Chairman, to exercise the powers of Mayor until a Mayor is elected and qualified as provided in Article IV of the Charter. The Chairman so selected shall vote as a member of the Council, but shall have no right to break a tie vote in which he participated.

Sec. 5. The Village Council may adopt a budget ordinance for the 1986-87 fiscal year, following their qualification for office, without having to comply with the budget preparation and adoption timetable set out in the local Government Budget and Fiscal Control Act. The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the Village for the fiscal year 1986-87, and subsequent years. They may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 1986. The Village may obtain from Forsyth County, and the County Tax Supervisor shall provide upon request, a record of all property, and the names of the owners and the valuation thereof, within the corporate limits which was listed for taxation as of January 1, 1986.

Sec. 6. The current land use regulations adopted and enforced by Forsyth County pursuant to Article 18 of Chapter 153A of the General Statutes, or applicable local act of the General Assembly, shall remain in effect in the Village of Clemmons as provided in G.S. 160A-360. In addition, the Village Council may request that Forsyth County continue to enforce any or all of those regulations, as provided in G.S. 160A-360(d).

All other ordinances of the County of Forsyth which were effective on the effective date of the Charter within the area described in Section 2.1 of the Charter and which would have required approval by the Town under G.S. 153A-122 to be effective within the corporate limits shall remain in effect until the Town of Clemmons adopts a resolution under G.S. 153A-122 withdrawing its permission for the ordinance to apply, or until repealed by the County of Forsyth, whichever occurs first; provided that if the ordinance is amended before the resolution is adopted, the ordinance shall continue to apply as amended.

Sec. 7. The following provisions of law shall constitute the Charter of the Village of Clemmons:

"CHARTER OF THE VILLAGE OF CLEMMONS.
"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Sec. 1.1. *Incorporation and General Powers.* The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate under the name of the 'Village of Clemmons' and shall be vested with all property which may be acquired by the Village, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue

and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same.

The Village of Clemmons shall be vested with all municipal powers, functions, rights, privileges and immunities conferred by the Constitution and laws of the State of North Carolina upon municipalities and especially Chapter 160A of the General Statutes.

"Sec. 1.2. *Exercise of Powers.* All powers, functions, rights, privileges, and immunities of the Village, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Village Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Sec. 1.3. *Rate Limitation on Taxation.* Notwithstanding the provisions of G. S. 160A-209(d), and the rate limitation set out in that subsection, G. S. 160A-209(d), the Village Council may levy property taxes only up to a combined rate of fifteen cents (15¢) on the one hundred dollar ($100.00) appraised value of property subject to taxation, without an approving vote of the people. Any tax levy approved by the people shall not count for the purposes of rate limitation imposed herein.

"ARTICLE II. CORPORATE BOUNDARDIES.

"Sec. 2.1. *Corporate Boundaries.* The corporate boundaries of the Village of Clemmons shall be as follows until changed in accordance with law:

All references to lots and blocks contained herein are references to tax lots and tax blocks as they are depicted on the Forsyth County Tax Maps on March 27, 1985.

BEGINNING at a point, said point being located at the intersection of the center lines of the Lewisville-Clemmons Road and Peace Haven Road; thence north with the center line of Lewisville-Clemmons Road to a point beyond the intersection of Lewisville-Clemmons Road and Sedalia Drive, the northwest corner of Tax Block 4466 and at a common point with Tax Block 4233; thence east along the common boundary of Tax Block 4233 and Tax Block 4466 to a point in the west line of Tax Block 4463; thence north along the common boundary line of Tax Block 4233 and 4463 to a point, the northwest corner of Tax Lot 21, Block 4463; thence east along the common boundary line between Tax Blocks 4233 and 4463 to a point, the northeast corner of Tax Lot 36, Block 4463; thence south along the common boundary line between Tax Blocks 4233 and 4463 around to a point, the southeast line of Tax Lot 48, Block 4463 and the northwest corner of Lot 65B and the northeast corner of Lot 65E, Block 4233; thence southeast with an extension of the boundary line between Lots 65B and 65E to the point where it intersects with the center line of Peace Haven Road; thence southwest with the center line of Peace Haven Road to the point where it intersects with an extension of the center line of Kinnamon Road; thence east with the center line of Kinnamon Road to the point where it intersects with the north line of Block 4288; thence in an easterly direction along the southern boundary line of Tax Block 4233 and the northern

boundary lines of Tax Blocks 4288 and 4268 and a portion of the west line of Tax Block 4278 around to the point where it intersects with the center line of Muddy Creek, a common point of Tax Blocks 4233, 3897 and 4278; thence in a southeasterly direction with the southwest line of Tax Block 3897 and the northwestern boundary lines of Tax Blocks 4278 and 4287 along the center line of Muddy Creek to a point, a common point of Tax Blocks 4230, 4287 and 3897; thence west with the common boundary lines of Tax Blocks 4287 and 4230 to a point in the east line of Tax Lot 36, Tax Block 4287; thence south to a point, the southeast corner of Tax Lot 26, Block 4287; thence west to a point, a common point of Tax Blocks 4276, 4287 and 4230; thence south along the common boundary line of Tax Blocks 4276 and 4230 to a point in the north line of Tax Block 4222, a corner for 4276, 4230 and 4222; thence east along the common boundary line of Tax Blocks 4276 and 4222 to a point in the east line of Tax Block 4274, a corner for Blocks 4274, 4276 and 4222; thence south along the common boundary line of Tax Blocks 4274 and 4222 to a point in the center line of U. S. Highway 158; thence southwest with the center line of U. S. Highway 158 to a point 200 feet northeast of the intersection of the center lines of U. S. Highway 158 and an extension of the center line of Hampton Road; thence south with a line 200 feet to the east of Hampton Road to a point, the northeast corner of Tax Lot 1B, Block 4227; thence east along the common boundary line of Blocks 4227 and 4237 to a point in the west line of Tax Block 4210, a corner of 4227, 4210 and 4237; thence with the southern boundary line of Tax Block 4210 along the northern boundary lines of Blocks 4237, 4238, 4239, 4240 and 4241 around to a point, the northeast corner of Tax Lot 1, Block 4241; thence southwest along a common boundary line of Blocks 4241 and 4210 to a point, a corner of Block 4241 and 4210; thence west along the common boundary line of 4241 and 4210 to a point, a corner of Tax Blocks 4241, 4210 and 4242; thence southwest along the common boundary lines of Tax Blocks 4242 and 4210 to a point, the northeast corner of Tax Lot 101, Block 4210; thence including all of Tax Lots 101, 110F, 110D, 110C and 110E, Block 4210; continuing thence from a point, said point being the southeast corner of Tax Lot 4, Tax Block 4219; thence west along the common boundary line of Tax Block 4219 and 4209 to the point where it intersects with the center line of Arden Street; thence south with the center line of Arden Street to a point, a corner of Block 4218 and 4209; thence west along the common boundary line of Blocks 4218 and 4209 to a corner, the southwest corner of Tax Lot 42G, Block 4218; continuing thence west with the southern boundary line of Tax Lot 42A, Block 4209, and an extension thereof to the point where it intersects with the center line of Hampton Road; thence north with the center line of Hampton Road to the point where it intersects with the extension of the south line of Block 4214, a corner of Blocks 4214 and 4235; thence west along the north boundary line of Tax Block 4235 and the southern boundary lines of Blocks 4214 and 4250 to a point, the southwestmost point of Tax Lot 15, Block 4250; continuing thence west with an extension of the southern boundary line of Tax Block 4250 to the point where it intersects with the east line of Tax Lot 5, Block 4235; thence south on a line paralleling Middlebrook Drive 250 feet to the east to a point, the southeast corner of Tax Lot 38G, Block 4208; thence west along

the south line of Tax Lot 38G, Block 4208 and an extension thereof to the point where it intersects with the center line of Middlebrook Drive; thence south with the center line of Middlebrook Drive to a point, said point being the intersection of the extension of the north boundary line of Tax Lot 40F, Block 4208; thence east along the north boundary line of Tax Lot 40F, Block 4208, to a point; thence southeast along a common boundary line of Blocks 4208 and 4209 to a point, the southeast corner of Tax Lot 40F, Block 4208, a common point of Blocks 4208, 4209, and 4277; thence south along the common boundary line of Blocks 4209 and 4277 to a point, the southeast corner of Tax Lot 5, Block 4277; thence west along the common boundary line of Blocks 4277 and 4209 to a corner; thence south along the common boundary line of Blocks 4277 and 4209 to a corner; thence south along the common boundary line of Blocks 4277 and 4209 to a point in the center line of Idols Road; thence southeast with the center line of Idols Road to a point, said point being the intersection of the northern extension of the common boundary line between Tax Lots 7A and 6B, Block 4204, and the center line of Idols Road; from said point including all of Tax Lots 6B and 5B, Block 4204; thence continuing north from a point, said point being the northeast corner of Tax Lot 3 and the northwest corner of Tax Lot 5B, Tax Block 4204 along the northern extension of the common boundary line between said Tax Lot 3 and Tax Lot 5B to the point where it intersects with the center line of Idols Road; thence southwest along the center line of Idols Road to a point in the northwest line of Block 4204, a corner of Blocks 4206 and 4208L; thence along the east line of Tax Block 4206 (in the east line of Tanglewood Park) the west lines of Blocks 4208L, 4208G and 4208N to a point in the south line of Tax Block 4208, the northwest corner of Tax Lot 101D, Block 4208N; thence east along the south line of Tax Block 4208 and the north lines of Tax Block 4208N to a point, the northeast corner of Tax Lot 387, Block 4208N; continuing thence east to a point, the southeast corner of Tax Lot 18E, Block 4208; thence south to a point, the northeast corner of Tax Lot 287, Block 4208M; thence south to a point, the southeast corner of Tax Lot 286, Block 4208M; thence southeast to a point, the northeast corner of Tax Lot 269, Block 4208M; thence southwest to a point, the southwest corner of Tax Lot 20, Block 4208M, a corner of 4208M, 4208G and 4208; thence southeast to a point, the southeast corner of Tax Lot 20, Block 4208; thence northeast to a point, the northeast corner of Tax Lot 20, Block 4208; thence northwest to a point, the intersection of the northeast line of Tax Lot 20 and the center line of Clinard Road; thence Northeast along the center line of Clinard Road to a point, the intersection of a western extension of the north line of Tax Lot 21B, Tax Block 4208; thence east to a point, the northeast corner of Tax Lot 21B, Block 4208; thence northeast to a point, the northeast corner of Tax Lot 22, Block 4208; thence west to a point, the southeast corner of Tax Lot 23, Block 4208; thence north, the northeast corner of Tax Lot 23, Block 4208; thence west to a point, the northwest corner of Tax Lot 23, Block 4208; thence north along the west line of Tax Lot 104, Block 4208, to the point where it intersects with the center line of Clinard Road; continuing thence northeast along the center line of Clinard Road to the point where it interescts with an eastern extension of the south line of Tax Lot 5, Block 4244; thence west with the south lines

of Tax Lots 5, 2 and 1, to a point in the west line of Block 4244, the southwest corner of Tax Lot 1, Block 4244; thence north along 4244's west line to the point where it intersects with the center line of U.S. Highway 158; thence west along the center line of U.S. Highway 158 to the point where it intersects with the center line of Lasater Road; thence west along the center line of Lasater Road to the point where it intersects with the center line of Harper Road; thence south along the center line of Harper Road to the point where it intersects with the center line of U.S. Highway 158; thence southwest along the center line of U.S. Highway 158 to a point, said point being located at the intersection of the southern extension of the west line of Tax Lot 216B, Block 4207 in the center line of U.S. Highway 158; thence north with the west line of Tax Lot 216B, Block 4207 and the northern extension thereof to the point where it intersects with the center line of Fair Oaks Drive; thence continuing around in a clockwise direction along the center line of Fair Oaks Drive around to the point where it intersects with the center line of Lasater Road; thence west along the center line of Lasater Road around and beyond the intersection of Lasater Road and North Lake Shore Drive to a point, said point being the intersection of an extension of the east line of Tax Lot 13, Block 4207E and the center line of Lasater Road; thence following the outer boundary lines of Tax Block 4207E in a generally clockwise direction around to the point where it intersects with the east line of Tax Block 4234; thence northeast along the northeast line of Tax Blocks 4234 to a point, the northernmost corner of Tax Lot 305, Block 4234; thence southeast with the south line of Tax Block 4244 across Lasater Road and continuing to a point, the southeastmost corner of Tax Lot 7, Block 4234 and a corner of Tax Lot 4207; thence east with an extension of the south line of Tax Block 4234 to a point in the west line of Tax Lot 1, Tax Block 4247; thence in a generally clockwise direction along the outer boundary line of Tax Block 4248 around to a point, the southeast corner of Tax Lot 1, Block 4234 and a corner of Blocks 4248, 4234, 4207F; thence north along the west line of Tax Block 4207F to the point where it intersects with the center line of South Peace Haven Road; thence southeast along the center line of Peace Haven Road across Blanket Bottom Creek to a point in the center line of Peace Haven Road and the southeast line of Tax Block 4207A, a corner of 4207B and a corner of Blocks 4207B and 4207; thence south along the common line of Tax Blocks 4207B and 4207 to a point in the north line of Tax Lot 1, Block 4207D; thence east with the north line of Tax Block 4207D around to the point where it intersects with the center line of Harper Road; thence southwest along the center line of Harper Road to the point where it intersects with the northern right of way line of U.S. Highway Interstate 40; thence northeast with the northern right of way line of U.S. Highway Interstate 40 to a point 250 feet southwest of the center line of the Lewisville-Clemmons Road; thence north on a line paralleling Lewisville-Clemmons Road 250 feet from the center line of said road to the point where it intersects with the center line of Peace Haven Road; thence northeast along the center line of Peace Haven Road to the point where it intersects with Lewisville-Clemmons Road being the point and place of beginning.

"ARTICLE III. MAYOR AND VILLAGE COUNCIL.

"Sec. 3.1. *Mayor and Mayor Pro Tempore.* The Mayor shall be elected by and from the qualified voters of the Village voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Village government and shall preside at all meetings of the Village Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor may determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Village. The Village Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Sec. 3.2. *Composition of Village Council.* Except for the initial Village Council, the Village Council shall consist of four members who shall be elected by all of the voters of the Village voting at large in the manner provided in Article IV of this Charter.

"Sec. 3.3. *Terms; Qualifications; Vacancies.*

(a) The Mayor shall be elected for a term of two years. The members of the Village Council, except as provided in Section 4.3 of this Charter, shall be elected for terms of four years.

(b) To be eligible to be elected as Mayor or as a member of the Village Council or to serve in any of those offices a person shall be a qualified voter and a resident of the Village.

(c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Councilman after election and qualification, the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

"Sec. 3.4. *Organizational Meeting.* The organizational meeting of the Village Council shall be as provided in G.S. 160A-68.

"Sec. 3.5. *Ordinances.* The enacting clause of all ordinances shall be 'Be it ordained by the Village Council of the Village of Clemmons'.

"ARTICLE IV. ELECTION PROCEDURE.

"Sec. 4.1. *Procedure.* Elections shall be conducted in accordance with Subchapter IX of Chapter 163 of the General Statutes.

"Sec. 4.2. *Results of elections.* All elections in the Village of Clemmons shall be conducted under the nonpartisan plurality method, and the results determined under G.S. 163-292.

"Sec. 4.3. *Election of Mayor and Council Members.* In 1987 and biennially thereafter, a Mayor shall be elected for a term of two years. In 1987, Council members shall be elected, with the two Council members receiving the largest number of votes elected for terms of four years, and the two with the next highest number of votes elected for terms of two years. In 1989 and biennially thereafter, two Council members shall be elected for terms of four years.

"ARTICLE V. VILLAGE ATTORNEY.

"Sec. 5.1. *Appointment; Qualifications; Terms; Compensation.* The Village Council shall appoint a Village Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Village during his tenure. The Village Attorney shall serve at the pleasure of the Village Council and shall receive such compensation as the Council shall determine.

"Sec. 5.2. *Duties of Village Attorney.* It shall be the duty of the Village Attorney to prosecute and defend suits for and against the Village; to advise the Mayor, Village Council, and other Village officials with respect to the affairs of the Village, to draw all legal documents relating to the affairs of the Village; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Village may be concerned; to attend meetings of the Village Council as required by the Council, and to perform such other duties as may be required of him by virtue of his position as Village Attorney.

"ARTICLE VI. FORM OF GOVERNMENT.

"Sec. 6.1. *Council-Manager Form of Government.* The Village of Clemmons shall be governed by the Council-Manager form of Government."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.

H.B. 570 **CHAPTER 438**

AN ACT TO ELIMINATE COUNTY BONDING REQUIREMENTS THAT HAVE BEEN SUPERCEDED BY LAW REQUIRING STATE-FURNISHED BONDS FOR CLERKS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 109-3 is amended by deleting the phrase "clerk,".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.

H.B. 639 **CHAPTER 439**

AN ACT CONCERNING REGISTRATION TO MANUFACTURE, DISTRIBUTE, OR POSSESS CONTROLLED SUBSTANCES AND TREATMENT FOR DRUG DEPENDENCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-92(a)4. is rewritten to read as follows: "4. Clorazepate."

Sec. 2. G.S. 90-101(c)(5) is amended by replacing the period at the end of the subdivision with a semicolon and by adding the word "and"

after the semicolon and is further amended by adding a new subdivision after subdivision (5) to read:

"(6) A practitioner, as defined in G.S. 90-87(22)a., who is required to be licensed in North Carolina by his respective licensing board."

Sec. 3. G.S. 90-102(c) is amended by deleting the second and third sentences of the subsection.

Sec. 4. G.S. 90-102(d) is rewritten to read as follows:

"(d) Manufacturers and distributors registered or licensed under federal law to manufacture or distribute controlled substances included in Schedules I through VI of this Article are entitled to registration under this Article, but this registration is expressly made subject to the provisions of G.S. 90-103."

Sec. 5. G.S. 90-109.1(b) is rewritten to read as follows:

"(b) An individual who requests treatment or rehabilitation for drug dependence in a program where medical services are to be an integral component of his treatment shall be examined and evaluated by a practitioner before receiving treatment and rehabilitation services. If a practitioner performs an initial examination and evaluation, the practitioner shall prescribe a proper course of treatment and medication, if needed. That practitioner may authorize another practitioner to provide the prescribed treatment and rehabilitation services."

Sec. 6. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.

H.B. 664 **CHAPTER 440**

AN ACT TO AMEND CHAPTER 965 OF THE 1977 SESSION LAWS BY EXTENDING THE EFFECTIVE DATE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 965 of the 1977 Session Laws is amended by the repeal of Section 2.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.

H.B. 762 **CHAPTER 441**

AN ACT TO PROVIDE FOR FRANCHISE AGREEMENTS BETWEEN DEALERS ENGAGED IN THE BUSINESS OF RETAILING FARM, UTILITY, AND INDUSTRIAL IMPLEMENTS, EQUIPMENT, ATTACHMENTS, OR REPAIR PARTS, AND WHOLESALERS, MANUFACTURERS, OR DISTRIBUTORS OF THE PRODUCTS; TO REQUIRE REPURCHASE OF INVENTORY FROM DEALERS UPON TERMINATION OF A CONTRACT; TO PROVIDE PROCEDURES; TO ESTABLISH LIMITATIONS, RIGHTS, AND CIVIL LIABILITY RELATIVE TO REPURCHASE; TO EXTEND THE RIGHT TO REQUIRE REPURCHASE OPTION TO THE HEIRS OF DEALERS; AND TO PROVIDE WARRANTY OBLIGATIONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 66 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 26.
"Farm Machinery Franchises.

"§ 66-180. *Definitions.*—As used in this Article, unless the context requires otherwise:

(1) 'Current net price' means the price listed in the supplier's price list or catalog in effect at the time the franchise agreement is terminated, less any applicable discounts allowed.

(2) 'Dealer' means a person engaged in the business of selling at retail farm, utility or industrial, equipment, implements, machinery, attachments, or repair parts.

(3) 'Franchise agreement' means a written or oral contract or agreement between a dealer and a wholesaler, manufacturer, or distributor by which the dealer is granted the right to sell or distribute goods or services, or use a trade name, trademark, service mark, logo type, or advertising or other commercial symbol.

(4) 'Inventory' means farm, utility, or industrial equipment, implements, machinery, attachments, or repair parts. These terms do not include heavy construction equipment.

(5) 'Net cost' means the price the dealer paid the supplier for the inventory, less all applicable discounts allowed, plus the amount the dealer paid for freight costs from the supplier's location to the dealer's location, plus reasonable cost of assembly or disassembly performed by the dealer.

(6) 'Supplier' means a wholesaler, manufacturer, or distributor who enters into a franchise agreement with a dealer.

(7) 'Termination' of a franchise agreement means the termination, cancellation, nonrenewal, or noncontinuance of the agreement.

"§ 66-181. *Usage of trade.*—The terms 'utility' and 'industrial', when used to refer to equipment, implements, machinery, attachments, or repair parts, shall have the meaning commonly used and understood among dealers and suppliers of farm equipment as a usage of trade in accordance with G.S. 25-1-205(2).

"§ 66-182. *Notice of termination of franchise agreements.*—(a) Notwithstanding any agreement to the contrary, a supplier who terminates a franchise agreement with a dealer shall notify the dealer of the termination not less than 90 days prior to the effective date of the termination; however, the supplier may immediately terminate the agreement at any time after the occurrence of any of the following events:

(1) A petition under bankruptcy or receivership law has been filed against the dealer;

(2) The dealer has made an intentional misrepresentation with the intent to defraud the supplier;

(3) Default by the dealer under a chattel mortgage or other security agreement between the dealer and the supplier;

(4) Close out or sale of a substantial part of the dealer's business related to the handling of goods; the commencement or dissolution or liquidation of the dealer if the dealer is a partnership or corporation; or a change, without the prior written approval of the supplier, in the location of the dealer's principal place of business under the agreement;

(5) Withdrawal of an individual proprietor, partner, major shareholder, or manager of the dealership, or a substantial reduction in interest of a partner or major shareholder, without the prior written consent of the supplier; or

(6) Revocation or discontinuance of any guarantee of the dealer's present or future obligations to the supplier.

(b) Notwithstanding any agreement to the contrary, a dealer who terminates a franchise agreement with a supplier shall notify the supplier of the termination not less than 30 days prior to the effective date of the termination.

(c) Notification under this section shall be in writing and shall be by certified mail or personally delivered to the recipient. It shall contain:

(1) A statement of intention to terminate the franchise,

(2) A statement of the reasons for the termination, and

(3) The date on which the termination takes effect.

"§ 66-183. *Supplier's duty to repurchase.*—(a) Whenever a dealer enters into a franchise agreement in which the dealer agrees to maintain an inventory, and the agreement is terminated by either party, the supplier shall repurchase the dealer's inventory as provided in this Article unless the dealer chooses to keep the inventory.

(b) Whenever a dealer enters into a franchise agreement in which the dealer agrees to maintain an inventory, and the dealer or the majority stockholder of the dealer, if the dealer is a corporation, dies or becomes incompetent, the supplier shall, at the option of the heir, personal representative, or guardian of the dealer, or the person who succeeds to the stock of the majority stockholder, repurchase the inventory as if the agreement had been terminated. The heir, personal representative, guardian, or succeeding stockholder has one year from the date of the death of the dealer or majority stockholder to exercise the option under this Article.

"§ 66-184. *Repurchase terms.*—(a) The supplier shall repurchase from the dealer within 90 days after termination of the franchise agreement

all inventory previously purchased from the supplier that remains unsold on the date of termination of the agreement.

(b) The supplier shall pay the dealer:

(1) One hundred percent (100%) of the net cost of all new, unused, undamaged, and complete farm, utility, and industrial equipment, implements, machinery, and attachments, less a reasonable allowance for deterioration attributable to weather conditions at the dealer's location;

(2) Ninety percent (90%) of the current net price of all new, unused, undamaged repair parts; and

(3) Eighty-five percent (85%) of the current net price of all new, unused, undamaged, superseded repair parts.

(c) The supplier may, within 90 days after the date of termination of the franchise agreement, audit the dealer's books or records to verify the eligibility of the inventory for repurchase.

(d) The supplier shall pay the cost of shipping the inventory from the dealer's location and shall pay the dealer five percent (5%) of the current net price of all new, unused, undamaged repair parts returned, to cover the cost of handling, packing, and loading. The supplier may perform the handling, packing, and loading instead of paying the five percent (5%) for the services. The dealer and the supplier may each furnish a representative to inspect all parts and certify their acceptability when packed for shipment.

(e) The supplier shall pay the full repurchase amount to the dealer not later than 30 days after receipt of the inventory. If the dealer has any outstanding debts to the supplier, then the repurchase amount may be credited to the dealer's account.

"§ 66-185. *Exceptions to repurchase requirement.*—This Article does not require the repurchase from a dealer of:

(1) A repair part with a limited storage life or otherwise subject to deterioration, such as gaskets or batteries, except for industrial 'press on' or industrial pneumatic tires;

(2) A single repair part that is priced as a set of two or more items;

(3) A repair part that, because of its condition, is not resalable as a new part without repackaging or reconditioning;

(4) An item of inventory for which the dealer does not have title free of all claims, liens, and encumbrances other than those of the supplier;

(5) Any inventory that the dealer chooses to keep;

(6) Any inventory that was ordered by the dealer after either party's receipt of notice of termination of the franchise agreement; and

(7) Any inventory that was acquired by the dealer from a source other than the supplier.

"§ 66-186. *Uniform commercial practice.*—(a) This Article does not affect a security interest of the supplier in the inventory of the dealer.

(b) A repurchase of inventory under this Article shall not be subject to the bulk sales provisions of Article 6 of Chapter 25 of the General Statutes.

"§ 66-187. *Warranty obligations.*—(a) Whenever a supplier and a dealer enter into a franchise agreement, the supplier shall pay any warranty claim made by the dealer for warranty parts or service within 30 days

after its approval. The supplier shall approve or disapprove a warranty claim within 30 days after its receipt. If a claim is not specifically disapproved in writing within 30 days after its receipt it is approved and payment must follow within 30 days.

(b) Whenever a supplier and a dealer enter into a franchise agreement, the supplier shall indemnify and hold harmless the dealer against any judgment for damages or any settlement agreed to by the supplier, including court costs and a reasonable attorney's fee, arising out of a complaint, claim, or lawsuit including negligence, strict liability, misrepresentation, breach of warranty, or recision of the sale, to the extent the judgment or settlement relates to the manufacture, assembly, or design of inventory, or other conduct of the supplier beyond the dealer's control.

"§ 66-188. *Failure to repurchase; civil remedy.*—(a) If a supplier fails or refuses to repurchase any inventory covered under the provisions of this Article within the time periods established in G.S. 66-184, the supplier is civilly liable for one hundred percent (100%) of the current net price of the inventory, any freight charges paid by the dealer, the dealer's reasonable attorney's fee and court costs, and interest on the current net price of the inventory computed at the legal rate of interest from the 91st day after termination of the franchise agreement.

(b) Notwithstanding any agreement to the contrary, and in addition to any other legal remedies available, any person who suffers monetary loss due to a violation of this Article or because he refuses to accede to a proposal for an arrangement that, if consummated, is in violation of this Article, may bring a civil action to enjoin further violations and to recover damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

(c) A civil action commenced under the provisions of this Article shall be brought within four years after the violation complained of is or reasonably should have been discovered, whichever occurs first."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.

H.B. 887 **CHAPTER 442**

AN ACT TO PROVIDE A STATUTE OF LIMITATIONS FOR SPECIAL OR CONDITIONAL USE PERMIT PROCEEDINGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-381 is amended by adding the following language at the end:

"Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the city council is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later. The decision of the city council may be delivered to

the aggrieved party either by personal service or by registered mail or certified mail return receipt requested."

Sec. 2. G.S. 153A-340 is amended by adding the following language at the end:

"Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board of commissioners is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later. The decision of the board of commissioners may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested."

Sec. 3. This act is effective upon ratification, but does not affect pending litigation.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.

H.B. 1005 **CHAPTER 443**

AN ACT TO CONFORM PAYMENTS OF NORTH CAROLINA ESTIMATED TAX PENALTIES FOR INDIVIDUALS TO FEDERAL ESTIMATED TAX PAYMENT PENALTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-163.11 through G.S. 105-163.14 are repealed.

Sec. 2. G.S. 105-163.15 is rewritten to read:

"§ 105-163.15. *Failure by individual to pay estimated income tax; penalty.*—(a) In the case of any underpayment of the estimated tax by an individual, there shall be added to the tax imposed under Article 4 for the taxable year an amount determined by applying the applicable annual rate established under G.S. 105-241.1(i) to the amount of the underpayment for the period of the underpayment.

(b) For purposes of subsection (a), the amount of the underpayment shall be the excess of the required installment, over the amount, if any, of the installment paid on or before the due date for the installment. The period of the underpayment shall run from the due date for the installment to whichever of the following dates is the earlier: (i) the fifteenth day of the fourth month following the close of the taxable year, or (ii) with respect to any portion of the underpayment, the date on which such portion is paid. A payment of estimated tax shall be credited against unpaid required installments in the order in which such installments are required to be paid.

(c) For purposes of this section there shall be four required installments for each taxable year with the time for payment of the installments as follows:

(1) First installment - April 15 of taxable year;
(2) Second installment - June 15 of taxable year;
(3) Third installment - September 15 of taxable year; and
(4) Fourth installment - January 15 of following taxable year.

(d) Except as provided in subsection (e) the amount of any required installment shall be twenty-five percent (25%) of the required annual payment. The term 'required annual payment' means the lesser of:

(1) Eighty percent (80%) of the tax shown on the return for the taxable year, or, if no return is filed, eighty percent (80%) of the tax for that year; or

(2) One hundred percent (100%) of the tax shown on the return of the individual for the preceding taxable year, if the preceding taxable year was a taxable year of 12 months and the individual filed a return for that year.

(e) In the case of any required installment, if the individual establishes that the annualized income installment is less than the amount determined under subsection (d), the amount of the required installment shall be the annualized income installment, and any reduction in a required installment resulting from the application of this subsection shall be recaptured by increasing the amount of the next required installment determined under subsection (d) by the amount of the reduction and by increasing subsequent required installments to the extent that the reduction has not previously been recaptured.

In the case of any required installment, the annualized income installment is the excess, if any, of (i) an amount equal to the applicable percentage of the tax for the taxable year computed by placing on an annualized basis the taxable income for months in the taxable year ending before the due date for the installment, over (ii) the aggregate amount of any prior required installments for the taxable year. The taxable income shall be placed on an annualized basis under rules prescribed by the Secretary. The applicable percentages for the required installments are as follows:

(1) First installment - twenty percent (20%);

(2) Second installment - forty percent (40%);

(3) Third installment - sixty percent (60%); and

(4) Fourth installment - eighty percent (80%).

(f) No addition to the tax shall be imposed under subsection (a) if the tax shown on the return for the taxable year reduced by the tax withheld under Article 4A is less than forty dollars ($40.00) or if the individual did not have any liability for tax under Division II of Article 4 for the preceding taxable year.

(g) For purposes of this section, the term 'tax' means the tax imposed by Division II of Article 4 minus the credits against the tax allowed by Article 4. The amount of the credit allowed under Article 4A for withheld income tax for the taxable year is considered a payment of estimated tax, and an equal part of that amount is considered to have been paid on each due date of the taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts so withheld are considered payments of estimated tax on the dates on which such amounts were actually withheld.

(h) If, on or before January 31 of the following taxable year, the taxpayer files a return for the taxable year and pays in full the amount computed on the return as payable, no addition to tax shall be imposed

under subsection (a) with respect to any underpayment of the fourth required installment for the taxable year.

(i) Notwithstanding the other provisions of this section, an individual who is a farmer or fisherman for a taxable year is required to make only one installment payment of tax for that year. This installment is due on or before January 15 of the following taxable year but may be paid without penalty or interest on or before March 1 of that year. The amount of the installment payment shall be the lesser of:

(1) Sixty-six and two-thirds percent (66-⅔%) of the tax shown on the return for the taxable year, or, if no return is filed, sixty-six and two-thirds percent (66-⅔%) of the tax for that year; or

(2) One hundred percent (100%) of the tax shown on the return of the individual for the preceding taxable year, if the preceding taxable year was a taxable year of 12 months and the individual filed a return for that year.

An individual is a farmer or fisherman for any taxable year if the individual's gross income from farming or fishing, including oyster farming, for the taxable year is at least sixty-six and two-thirds percent (66-⅔%) of the total gross income from all sources for the taxable year, or the individual's gross income from farming or fishing, including oyster farming, shown on the return of the individual for the preceding taxable year is at least sixty-six and two-thirds percent (66-⅔%) of the total gross income from all sources shown on the return.

(j) In applying this section to a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified in this section, the months that correspond thereto. This section shall be applied to taxable years of less than 12 months in accordance with rules prescribed by the Secretary.

(k) This section shall not apply to any estate or trust."

Sec. 3. G.S. 105-163.16(b) is rewritten to read:

"(b) If the amount of estimated tax paid under G.S. 105-163.15 exceeds the taxes imposed by Article 4 of this Chapter against which the estimated tax so paid may be credited under the provisions of this Article, the excess shall be considered an overpayment by the taxpayer, and, notwithstanding the provisions of G.S. 105-266 and G.S. 105-266.1, this overpayment by the taxpayer shall be refunded by the Secretary under the provisions of this section unless the taxpayer elects to apply the overpayment to his estimated income tax liability for the following year pursuant to G.S. 105-269.4."

Sec. 4. This act shall become effective for taxable years beginning on or after January 1, 1986.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.

H.B. 1213 **CHAPTER 444**

AN ACT TO CONFORM THE NORTH CAROLINA INCOME TAX TREATMENT OF ALIMONY PAYMENTS AND PROPERTY TRANSFERS MADE INCIDENT TO DIVORCE TO THE TAX TREATMENT AFFORDED BY FEDERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-141.2 is rewritten to read as follows:

"Gross income includes amounts received by a wife from her husband or by a husband from his wife as payments under a decree of divorce or separate maintenance, under a written separation agreement, or under a decree requiring support and maintenance to the extent includable in gross income for federal income tax purposes under the provisions of Section 71 of the Internal Revenue Code of 1954, as amended. Provided, however, any amounts determined to be 'excess amounts' under the provisions of Section 71 of the Internal Revenue Code of 1954, as amended, shall be included in the gross income of the payor spouse, in the payor spouse's taxable year beginning in the 'computation year' as defined in Section 71 of the Internal Revenue Code of 1954, as amended."

Sec. 2. G.S. 105-147(21) is amended by designating the current 105-147(21) as subsection (a) and adding a new subsection (b) as follows:

"(b) In case of a spouse to whom payments have been made by a divorced or estranged spouse, and as a result of a change in such payments the payor spouse is required to include an 'excess amount' under Section 105-141.2, the payee spouse shall be entitled to a deduction equal to the total of such 'excess amount' in the payee spouse's taxable year beginning in the 'computation year' as defined in Section 71 of the Internal Revenue Code of 1954, as amended."

Sec. 3. G.S. 105-145 is amended by redesignating subsection (e) as subsection (f) and inserting a new subsection (e) to read as follows:

"(e) A gain or loss on a transfer of property incident to divorce from an individual to (or in trust for the benefit of) a spouse or former spouse shall be recognized only to the extent recognized under the Internal Revenue Code of 1954, as amended, for federal income tax purposes; however, if there is a difference in basis of such transferred property under State law and the Internal Revenue Code of 1954, as amended, the basis used in determining such gain or loss recognized shall be the basis as determined under the provisions of this Division."

Sec. 4. G.S. 105-144(a)(3) is amended by adding a new subsection (d) after subsection (c) as follows:

"(d) The basis of the transferee in property acquired incident to divorce with respect to which no gain or loss is recognized under the provisions of G.S. 105-145(e) shall be the adjusted basis of the transferor."

Sec. 5. Sections 1 and 2 of this act shall be effective upon ratification, and shall apply to orders entered and agreements executed after December 31, 1984. Sections 3 and 4 of this act shall be effective upon ratification, and shall apply to transfers made after July 18, 1984, except that it shall not apply to transfers made after July 18, 1984 pursuant to instruments in effect before that date unless both parties elect to have

the provision apply. This act shall apply also to transfers after December 31, 1983, and on or before July 18, 1984, if both parties so elect.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.

H.B. 133 **CHAPTER 445**

AN ACT TO MODIFY THE CERTIFICATE OF NEED LAW FOR LIFE CARE FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-183(c) is rewritten to read:

"(c) In reviewing applications for skilled nursing facilities or intermediate care facilities to be provided within a 'life care' or 'care for life' institution, the determination of need for beds shall not include a relationship of the proposed project to the need for such services specified in the State Medical Facilities Plan or State Health Plan provided that (i) the use of the proposed facilities is to be limited to resident members of the 'life care' or 'care for life' institution, (ii) the facilities are not to be certified for participation in either the Medicare or Medicaid programs, (iii) the ratio of skilled nursing facility beds and intermediate care facility beds to domiciliary and other residential arrangements shall not exceed one to three, and (iv) the facilities are to be developed after residential housing has been established or be developed as a part of a total housing construction program which shall result in the complex being one inseparable project. Facilities developed under this provision shall not alter the need for nursing home beds for the general population that exists now or at any time in the future."

Sec. 2. This act applies only to facilities owned and operated by a nonprofit organization with a membership of 5,000 or more, including a corporation, association, or religious organization, or by a corporation which is totally controlled by such an organization; provided, however, that any autonomous religious society or organization which is a member of a nonprofit convention, conference or association whose member organizations in the aggregate, have 5,000 or more members, within the State of North Carolina may be included under the provisions of this act and provide and operate the facilities herein authorized. Before a facility obtaining a certificate of need under this act may be operated as other than part of a "life care" or "care for life" institution, a certificate of need must be obtained without regard to Sections 1 or 2 of this act. No certificate of need application under this act shall be accepted by the Department for a review date beginning after June 30, 1986.

Sec. 3. The Department of Human Resources shall study the feasibility and impact of applying the provisions of this act to all nonprofit and for-profit life care facilities, and the Secretary of the Department of Human Resources shall submit a report on the findings and recommendations to the Speaker, the Lieutenant Governor and the fiscal staff of the General Assembly on or before June 1, 1986.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 139 **CHAPTER 446**

AN ACT TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROTECT THE WATERS OF THE STATE AGAINST POLLUTION FROM PACKAGE TREATMENT PLANTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.1 is amended by adding a new subsection (d1) between existing subsections (d) and (e), to read as follows:

"(d1) Each applicant under subsections (c) or (d) for a permit (or the renewal thereof) for the operation of a treatment works for a private multi-family or single family residential development, in which the owners of individual residential units are required to organize as a lawfully constituted and incorporated homeowners' association of a subdivision, condominium, planned unit development, or townhouse complex, shall be required to enter into an operational agreement with the Commission as a condition of any such permit granted. The agreement shall address, as necessary, construction, operation, maintenance, assurance of financial solvency, transfers of ownership and abandonment of the plant, systems, or works, and shall be modified as necessary to reflect any changed condition at the treatment plant or in the development. Where the Commmission finds appropriate, it may require any other private residential subdivision, condominium, planned unit development or townhouse complex which is served by a private treatment works and does not have a lawfully constituted and incorporated homeowners' association, and for which an applicant applies for a permit or the renewal thereof under subsections (c) or (d), to incorporate as a lawfully constituted homeowners' association, and after such incorporation, to enter into an operational agreement with the Commission and the applicant as a condition of any permit granted under subsections (c) or (d). The local government unit or units having jurisdiction over the development shall receive notice of the application within an established comment period and prior to final decision."

Sec. 2. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 272 **CHAPTER 447**

AN ACT TO INCREASE CERTAIN FEES COLLECTED BY THE BOARD OF MORTUARY SCIENCE.

The General Assembly of North Carolina enacts:

Section 1. The table of maximum fees which the Board of Mortuary Science may collect in G.S. 90-210.28 is amended by deleting "Embalmer, funeral director, funeral service

Application——————————————————————$ 50.00"

and substituting "Embalmer, funeral director, funeral service
Application - North Carolina - resident——————————$100.00
- nonresident——————————$150.00".

Sec. 2. G.S. 90-210.28 is amended by adding new sentences, at the end, to read: "The Board shall provide, without charge, one copy of the current statutes and regulations relating to Mortuary Science to every person licensed pursuant to the Article and to every person applying for and paying the appropriate fees for licensing pursuant to this Article. The Board may charge all others requesting copies of the current statutes and regulations, and licensees or applicants requesting additional copies, a fee equal to the costs of production and distribution of the requested documents."

Sec. 3. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 513 **CHAPTER 448**

AN ACT TO GIVE NOTICE TO AGENCIES OF MOTIONS TO OPEN ADOPTION RECORDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 48-26(a) is amended in the first sentence by placing a period after the word "jurisdiction", by deleting the clause "who may issue an order to open the record.", and by substituting the following:

"The movant must serve a copy of the motion, with proof of service, upon the Department of Human Resources, and the county department of social services or the licensed child placing agency which prepared the report in response to the order of reference issued pursuant to G.S. 48-16. The clerk of superior court shall give at least five days' notice to the Department of Human Resources and county department of social services or licensed child placing agency of every hearing on this motion, whether the hearing is before the clerk or a judge of the superior court, and the Department of Human Resources and the county department of social services or licensed child placing agency shall be entitled to appear and be heard in response to the motion. After hearing, the clerk may issue an order to open the record."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 532 **CHAPTER 449**

AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

Section 1. Occupancy Tax.

(a) Authorization and Scope. The Dare County Board of Commissioners may by resolution, after not less than 10 days' public notice

and after a public hearing held pursuant thereto, levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of the following in Dare County:

(1) Any room, lodging, or similar accommodation subject to sales tax under G.S. 105-164.3(4); and

(2) A campsite.

This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose. This tax is in addition to any State or local sales tax.

(b) Collection. Every operator of a business subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of Dare County. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The Dare County Tax Collector shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.

An operator of a business who collects the occupancy tax levied under this act may deduct from the amount remitted by him to the county a discount of three percent (3%) of the amount collected.

(c) Administration. The county shall administer a tax levied under this act. A tax levied under this act is due and payable to the county tax collector in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals and sales upon which the tax is levied. A return filed with the Dare County Tax Collector under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars ($10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to any other penalty, with an additional tax of five percent (5%) for each additional month or fraction thereof until the tax is paid.

Any person who willfully attempts in any manner to evade a tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars ($1,000) and imprisonment not to exceed six months.

(e) Use and Distribution of Tax Revenue. Dare County shall distribute two-thirds of the net proceeds of the tax, on a monthly basis,

to the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores in proportion to the amount of ad valorem taxes levied by each town for the preceding fiscal year. The county shall retain the remaining one-third of the net proceeds. Revenue distributed to a town or retained by the county under this subsection may be used only for tourist-related purposes, including construction and maintenance of public facilities and buildings, garbage, refuse, and solid waste collection and disposal, police protection, and emergency services.

As used in this subsection, "net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax.

(f) Repeal. A tax levied under this act may be repealed by a resolution adopted by the Dare County Board of Commissioners. Repeal of a tax levied under this act shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this act does not affect a liability for a tax that attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 555 **CHAPTER 450**

AN ACT TO REMOVE CERTAIN LAND IN WILLIAM B. UMSTEAD PARK FROM THE STATE NATURE AND HISTORIC PRESERVE FOR THE PURPOSE OF ACQUIRING THROUGH EXCHANGE OR PURCHASE OTHER LANDS FOR THE PARK.

The General Assembly of North Carolina enacts:

Section 1. Article 25B of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-260.10B. *Removal of land from the State Nature and Historic Preserve.*—Notwithstanding the provisions of G.S. 143-260.10(2), Tract Number 65, containing 22.93140 acres, as shown on a survey prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled 'Property of The State of North Carolina William B. Umstead State Park', dated January 14, 1977, is removed from the State Nature and Historic Preserve.

The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell this land and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 592 **CHAPTER 451**

AN ACT TO REQUIRE A FEE FROM ALL PERSONS PARTICIPATING IN COURT ORDERED COMMUNITY SERVICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-475.1(b) is rewritten to read:

"(b) Unless a fee is assessed pursuant to G.S. 20-179.4 or G.S. 15A-1371(i), a fee of fifty dollars ($50.00) shall be paid by all persons who participate in the program or receive services from the program staff. If the person is convicted in a court in this State, the fee must be paid to the clerk of court in the county in which he is convicted. If the person is participating in the program as a result of a deferred prosecution or similar program, the fee must be paid to the clerk of court in the county in which the agreement is filed. Persons participating in the program for any other reason must pay the fee to the clerk of court in the county in which the services are provided by the program staff. The fee must be paid in full within two weeks from the date the person is ordered to perform the community service, and before he begins his community service, except that:

(1) a person convicted in a court in this State may be given an extension of time or allowed to begin the community service before he pays the fee by the court in which he is convicted; or

(2) a person performing community service pursuant to a deferred prosecution or similar agreement may be given an extension of time or allowed to begin his community service before the fee is paid by the official or agency representing the State in the agreement.

Fees collected pursuant to this subsection shall be deposited in the General Fund."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 628 **CHAPTER 452**

AN ACT TO MAKE AMENDMENTS IN THE STATUTE REGARDING OCEAN PIERS AND TRASH FISHING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-185(a) is rewritten to read:

"(a) It is unlawful to fish in the ocean from vessels or with a net within 750 feet of an ocean pier licensed in accordance with G.S. 113-156.1. The prohibition shall be effective when:

(1) Buoys and beach markers, placed at the owner's expense in accordance with the rules adopted by the Department, indicate clearly to fishermen in vessels and on the beach the requisite distance of 750 feet from the pier, and

(2) The public is allowed to fish from the pier for a reasonable fee.

The prohibition shall not apply to littoral proprietors whose property is within 750 feet of a duly licensed ocean pier."

Sec. 2. G.S. 113-185(b) is amended by deleting the word "intentionally" in the second sentence.

Sec. 3. G.S. 113-185(b)(3) is amended by deleting the words "other than for human consumption".

Sec. 4. G.S. 113-185(b) is further amended in the first sentence of the paragraph following subsection (3) by deleting the words "incidentally and unavoidably".

Sec. 5. This act is effective October 1, 1985.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 636 **CHAPTER 453**

AN ACT TO MAKE CHANGES TO THE COMMUNITY SERVICE PAROLE PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1371 is amended by rewriting the second and third paragraphs of subsection (h) as follows:

"Community service parole is early parole for the purpose of participation in a program of community service under the supervision of a probation/parole officer. A parolee who is paroled under this subsection must perform as a condition of parole 32 hours of community service for every month of his remaining active sentence, until at least his minimum sentence (if he was sentenced prior to July 1, 1981), or one-half of his sentence imposed under G.S. 15A-1340.4 has been completed by such community service, at which time parole may be terminated.

The probation/parole officer and the community service coordinator shall develop a program of community service for the parolee. The parolee must as a condition of parole complete at least 32 hours of community service per 30-day period. The community service coordinator shall report any willful failure to perform community service work to the probation/parole officer. Parole may be revoked for any parolee who willfully fails to perform community service work as directed by a community service coordinator. The provisions of G.S. 15A-1376 shall apply to this violation of a condition of parole."

Sec. 2. G.S. 15A-1371 is amended by adding a new subsection (i) as follows:

"(i) A fee of fifty dollars ($50.00) shall be paid by all persons who participate in the Community Service Parole Program. That fee must be paid to the clerk of court in the county in which the parolee is released. The fee must be paid in full within two weeks unless the Parole Commission, upon a showing of hardship by the person, allows him additional time to pay the fee. The parolee may not be required to pay the fee before he begins the community service unless the Parole Commission specifically orders that he do so. Fees collected under this subsection shall be deposited in the General Fund."

Sec. 3. G.S. 15A-1380.2 is amended by rewriting the second and third paragraphs of subsection (h) as follows:

"Community service parole is early parole for the purpose of participation in a program of community service under the supervision of a probation/parole officer. A parolee who is paroled under this subsection must perform as a condition of parole 32 hours of community service for every month of his remaining active sentence, until at least his minimum sentence (if he was sentenced prior to July 1, 1981), or one-half of his sentence imposed under G.S. 15A-1340.4 has been completed by such community service, at which time parole may be terminated.

The probation/parole officer and the community service coordinator shall develop a program of community service for the parolee. The parolee must as a condition of parole complete at least 32 hours of community service per 30-day period. The community service coordinator shall report any willful failure to perform community service work to the probation/parole officer. Parole may be revoked for any parolee who willfully fails to perform community service work as directed by a community service coordinator. The provisions of G.S. 15A-1376 shall apply to this violation of a condition of parole."

Sec. 4. G.S. 15A-1380.2 is amended by adding a new subsection (i) as follows:

"(i) A fee of fifty dollars ($50.00) shall be paid by all persons who participate in the Community Service Parole Program. That fee must be paid to the clerk of court in the county where the parolee is released. The fee must be paid in full within two weeks unless the Parole Commission, upon a showing of hardship by the person, allows him additional time to pay the fee. The parolee may not be required to pay the fee before he begins the community service unless the Parole Commission specifically orders that he do so. Fees collected under this subsection shall be deposited in the General Fund."

Sec. 5. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 684 **CHAPTER 454**

AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER 20 OF THE GENERAL STATUTES AND MAKE OTHER NECESSARY CHANGES IN CHAPTER 20 AND CHAPTER 62.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new Article 17 to read:

"Article 17.
"Motor Carrier Safety Regulation Unit.
"Part 1. General Provisions.

"§ 20-376. *Definitions.*—As used in this Article,

(1) 'Certificate' means a certificate of public convenience and necessity issued by the North Carolina Utilities Commission pursuant to the provisions of Chapter 62 to a common carrier by motor vehicle.

(2) 'Certificate of Exemption' means a certificate issued by the Division authorizing transportation services which are exempt from economic regulations under the Public Utilities Act.

(3) 'Charter party', with regard to motor carriers, means a group of persons who, pursuant to a common purpose and under a single contract, and at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the North Carolina Utilities Commission, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group from a point of origin to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after having left the place of origin.

(4) 'Common carrier by motor vehicle' means any person which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate commerce of persons or property or any class or classes thereof for compensation, whether over regular or irregular routes, except as exempted in G.S. 62-260.

(5) 'Contract carrier by motor vehicle' means any person which, under an individual contract or agreement with another person and with such additional persons as may be approved by the North Carolina Utilities Commission, engages in the transportation other than the transportation referred to in subdivision (4) of this section, by motor vehicle of persons or property in intrastate commerce for compensation, except as exempted in G.S. 62-260.

(6) 'Division' means the North Carolina Division of Motor Vehicles.

(7) 'Exempt carrier' means any person providing transportation by motor vehicle for compensation which is declared to be exempt from economic regulation by the North Carolina Utilities Commission or the Interstate Commerce Commission.

(8) 'For-hire carrier' means any person engaged in the transportation of persons or property by motor vehicle for compensation.

(9) 'Foreign commerce' means commerce between any place in the United States and any place in a foreign country, or between places in the United States through any foreign country.

(10) 'Franchise' means the grant of authority by the North Carolina Utilities Commission to any person to engage in business as a common carrier or contract carrier, whether or not exclusive or shared with others or restricted as to terms and conditions and whether described by area or territory or not, and includes certificates and permits, and all other forms of licenses or orders and decisions granting such authority.

(11) 'Highway' means any road or street in this State used by the public or dedicated or appropriated to public use; and public vehicular area as defined in G.S. 20-4.01(32).

(12) 'Industrial plant' means any plant, mill, or factory engaged in the business of manufacturing.

(13) 'Interstate commerce' means commerce between any place in a state and any place in another state or between places in the same state through another state.

(14) 'Intrastate commerce' means commerce between points and over a route or within a territory wholly within this State, which commerce is not a part of a prior or subsequent movement to or from points outside of this State in interstate or foreign commerce, and includes all transportation within this State for compensation in interstate or foreign commerce which has been exempted by Congress from federal regulation.

(15) 'Intrastate operations' means the transportation of persons or property for compensation in intrastate commerce.

(16) 'Motor carrier' means both a for-hire carrier by motor vehicle and a private carrier by motor vehicle.

(17) 'Motor vehicle' means any vehicle, machine, tractor, semitrailer, or any combination thereof, which is propelled or drawn by mechanical power and used upon the highways within the State.

(18) 'Municipality' means any incorporated community, whether designated in its Charter as a city, town or village.

(19) 'Permit' means a permit issued by the North Carolina Utilities Commission pursuant to the provisions of Chapter 62 to a contract carrier by motor vehicle.

(20) 'Person' means a corporation, individual, copartnership, company, association, or any combination of individuals or organizations doing business as a unit, and includes any trustee, receiver, assignee, lessee, or personal representative thereof.

(21) 'Private carrier' means any person not included in the definitions of common carrier or contract carrier, which transports in intrastate commerce in its own vehicle or vehicles property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent or bailment, or when such transportation is purely an incidental adjunct to some other established private business owned and operated by such person other than the transportation of property for compensation.

(22) 'Town' means any unincorporated community or collection of people having a geographical name by which it may be generally known and is so generally designated.

"Part 2. Authority and Powers of Division.

"§ 20-377. *General powers of Division.*—The Division shall have and exercise such general power and authority to supervise and control the motor carriers of the State as may be necessary to carry out the laws providing for their regulation, and all such other powers and duties as may be necessary or incident to the proper discharge of its duties.

"§ 20-378. *Power to make and enforce rules and regulations for motor carriers.*—The Division shall have and exercise full power and authority to administer and enforce the provisions of this Article, and to make and enforce necessary rules and regulations to that end.

"§ 20-379. *To investigate motor carriers under its control; visitation and inspection.*—(a) The Division shall from time to time visit the places of business and investigate the books and papers of all motor carriers to ascertain if all the orders, rules and regulations of the North Carolina Utilities Commission and the Division have been complied with, and shall have full power and authority to examine all officers, agents and

employees of such motor carriers, and all other persons, under oath or otherwise, and to compel the production of papers and the attendance of witnesses to obtain the information necessary for carrying into effect and otherwise enforcing the provisions of this Article and Chapter 62 of the General Statutes.

(b) Officers of the Division may during all reasonable hours enter upon any premises occupied by any motor carrier for the purpose of making the examinations and tests and exercising any power provided for in this Article and in Chapter 62 of the General Statutes, and may set up and use on such premises any apparatus and appliances necessary therefor. Such motor carrier shall have the right to be represented at the making of such examinations, tests and inspections.

"§ 20-380. *To investigate accidents involving motor carriers; to promote general safety program.*—The Division may conduct a program of accident prevention and public safety covering all motor carriers with special emphasis on highway safety and transport safety and may investigate the causes of any accident on a highway involving a motor carrier. Any information obtained upon such investigation shall be reduced to writing and a report thereof filed in the office of the Division, which shall be subject to public inspection but such report shall not be admissible in evidence in any civil or criminal proceeding arising from such accident. The Division may adopt rules and regulations for the safety of the public as affected by motor carriers and the safety of motor carrier employees. The Division shall cooperate with and coordinate its activities for motor carriers with other programs of the North Carolina Utilities Commission, the North Carolina Insurance Department, the North Carolina Industrial Commission and other organizations engaged in the promotion of highway safety and employee safety.

"§ 20-381. *Additional powers and duties of Division applicable to motor vehicles.*—The Division is hereby vested with the following powers and duties:

(1) To prescribe qualifications and maximum hours of service of drivers and their helpers, and rules regulating safety of operation and equipment; and in the interest of uniformity of intrastate and interstate rules and regulations applicable within the State with respect to maximum hours of service of vehicle drivers and their helpers, and safety of operation and equipment, the Division may adopt and enforce the rules and regulations adopted and promulgated by the United States Department of Transportation with respect thereto, insofar as it finds the same to be practical and advantageous for application in this State and not in conflict with this Article. In order to promote safety of operation of motor carriers, the Division may avail itself of the assistance of any other agency of the State having special knowledge of such matters and it may make such investigations and tests as may be deemed necessary to promote safety of equipment and operation of vehicles upon the highways.

(2) The Division and its duly authorized inspectors and agents shall have authority at any time to enter upon the premises of any motor carrier, subject to the provisions of this Article, for the purpose of inspecting any motor vehicle and equipment used by such motor carriers

in the transportation of passengers and property, and to prohibit the use by any motor carrier of any motor vehicle or parts thereof or equipment thereon adjudged by such agents and inspectors to be unsafe for use in the transportation of passengers and property upon the public highways of this State; and when such agents or inspectors shall discover any motor vehicle of such motor carrier in actual use upon the highways in the transportation of passengers and property to be unsafe or any parts thereof or any equipment thereon to be unsafe, such agents or inspectors may, if they are of the opinion that further use of such vehicle, parts or equipment are imminently dangerous, stop such vehicle and require the operator thereof to discontinue its use and to substitute therefor a safe vehicle, parts or equipment at the earliest possible time and place, having regard for both the convenience and the safety of the passengers and property. When an inspector or agent stops a motor vehicle on the highway, under authority of this section, and the motor vehicle is in operative condition and its further movement is not dangerous to the passengers and property and to the users of the highways, it shall be the duty of the inspector or agent to guide the vehicle to the nearest point of substitution or correction of the defect. Such agents or inspectors shall also have the right to stop any motor vehicle which is being used upon the public highways for the transportation of passengers and property by a motor carrier subject to the provisions of this Article and to eject therefrom any driver or operator who shall be operating or be in charge of such motor vehicle while under the influence of intoxicating liquors. It shall be the duty of all inspectors and agents of the Division to make a written report, upon a form prescribed by the Division, of inspections of all motor equipment and a copy of each such written report, disclosing defects in such equipment, shall be served promptly upon the motor carrier operating the same, either in person by the inspector or agent or by mail. Such agents and inspectors shall also make and serve a similar written report in cases where a motor vehicle is operated in violation of the laws of this State or of the orders, rules and regulations of the North Carolina Utilities Commission or Division.

(3) To relieve the highways of all undue burdens and safeguard traffic thereon by promulgating and enforcing reasonable rules, regulations and orders designed and calculated to minimize the dangers attending transportation on the highways of all commodities including explosives or highway flammable or combustible liquids, substances or gases.

"§ 20-382. *Interstate carriers.*—(a) This Article shall apply to persons and vehicles engaged in interstate commerce over the highways of this State, except insofar as the provisions of this Article may be inconsistent with, or shall contravene, the Constitution or laws of the United States, and the Division may, in its discretion, require such carriers to file with it copies of their respective interstate authority or register their exempt operation and registration of their vehicles operated in the State, and to observe such reasonable rules and regulations as the Division may deem advisable in the administration of this Article and for the protection of persons and property upon the highways of the State.

(b) The Division or its authorized representative is authorized to confer with and to hold joint hearings with the authorities of other states or with

the Interstate Commerce Commission or its representatives, or any other federal or State agency in connection with any matter arising under this Chapter, or under the Federal Motor Carrier Act, or under any other federal law which may directly or indirectly affect the interests of the people of this State or the policy declared by this Chapter or by the Interstate Commerce Act.

(c) Any person operating a for-hire motor vehicle in interstate commerce over the highways of this State without having properly registered with the Division its respective exempt operation or a copy of its interstate authority and each vehicle operated in this State shall be subject to a penalty of seventy-five dollars ($75.00), which shall be added to the registration fees provided in G.S. 20-385 and said penalty shall be collected with said registration fee from any carrier operating on the highways of North Carolina without registering his interstate authority by inspectors and officers of the Division in accordance with rules and regulations duly adopted by the Division before said vehicle shall be permitted to operate further upon the highways of North Carolina.

(d) No motor carrier, whether operating as a regulated carrier or exempt for-hire carrier, shall operate or cause to be operated in interstate commerce in this State any vehicle until he has filed evidence of required insurance with the Division and has been issued an identification stamp for such vehicle, which stamp must be attached to the approved uniform cab card and carried in the vehicle at all times. The identification stamp herein provided for shall be issued on an annual basis as of January 1st each year and shall be valid through February 1st the next succeeding year. When any person is discovered in this State, operating a vehicle in violation of this section, it shall be unlawful for anyone thereafter to operate said vehicle on the streets or highways of this State, except to remove it from the street or highway for purposes of parking or storing said vehicle until he shall pay to the Division a penalty of seventy-five dollars ($75.00). No court of the State shall entertain a suit of any kind brought for the purpose of preventing the collection of any penalty imposed in this section. Whenever a person shall have a valid defense to the enforcement of the collection of a penalty assessed or charged against him, such person shall pay such penalty to the proper officer, and notify such officer in writing that he pays the same under protest. Such payment shall be without prejudice to any defense or rights he may have in the premises, and he may, at any time within 30 days after such payment, demand the same in writing from the Commissioner of Motor Vehicles; and if same shall not be refunded within 90 days thereafter, may sue such official in the courts of the State for the amount so demanded. Such suit must be brought in the Superior Court of Wake County, or in the county in which the person paying the penalty resides. No restraining order or injunction shall issue from any court of the State to restrain or enjoin the collection of the penalty or to permit the operation of said vehicle without payment of the penalty prescribed herein.

"§ 20-383. *Inspectors and officers given enforcement authority.*—Only designated inspectors and officers of the Division shall have the authority to enforce the provisions of this Article and provisions of Chapter 62 applicable to motor transportation, and they are empowered to make

complaint for the issue of appropriate warrants, informations, presentments or other lawful process for the enforcement and prosecution of violations of the transportation laws against all offenders, whether they be regulated motor carriers or not, and to appear in court or before the North Carolina Utilities Commission and offer evidence at the trial pursuant to such processes.

"§ 20-384. *Safety regulations applicable to motor carrier and private carrier vehicles.*—The Division of Motor Vehicles may promulgate highway safety rules and regulations for all for-hire motor carrier vehicles and all private carrier vehicles engaged in interstate commerce and intrastate commerce over the highways of North Carolina whether common carriers, contract carriers, exempt carriers, or private carriers.

"Part 3. Fees and charges.

"§ 20-385. *Particular fees and charges fixed; payment.*—(a) The Divisions shall receive and collect the following fees and charges:

(1) One dollar ($1.00) for the registration with the Division of each motor vehicle to be put in operation by a motor carrier operating under the jurisdiction of the North Carolina Utilities Commission, and a fee of one dollar ($1.00) for the annual reregistration of each such motor vehicle.

(2) Twenty-five dollars ($25.00) for the filing with the Division of the interstate motor carrier operating authority or registration of interstate exempt operation of every motor carrier operating into, from, within, or through North Carolina and filed with the Division under the provisions of G.S. 20-382 and five dollars ($5.00) for filing all subsequent amendments thereto to maintain said filing in a current status.

(3) One dollar ($1.00) for the registration with the Division of each motor vehicle operated into, from, within, or through North Carolina by interstate carriers and registered with the Division under the provisions of G.S. 20-382, and a fee of one dollar ($1.00) for the annual reregistration of each such motor vehicle.

(4) Twenty-five dollars ($25.00) for each Certificate of Exemption issued by the Division.

(5) Ten dollars ($10.00) for each emergency permit issued by the Division in accordance with G.S. 20-382.

"§ 20-386. *Fees, charges and penalties; disposition.*—All fees and charges received by the Division under G.S. 20-385 shall be in addition to any other tax or fee provided by law and shall be placed in the Highway Fund.

"Part 4. Penalties and Actions.

"§ 20-387. *Motor carrier violating any provision of Article, rules or orders; penalty.*—Any motor carrier which violates any of the provisions of this Article or refuses to conform to or obey any rule, order or regulation of the Division shall, in addition to the other penalties prescribed in this Article forfeit and pay a sum up to one thousand dollars ($1,000) for each offense, to be recovered in an action to be instituted in

the Superior Court of Wake County, in the name of the State of North Carolina on the relation of the Division; and each day such motor carrier continues to violate any provision of this Article or continues to refuse to obey or perform any rule, order or regulation prescribed by the Division shall be a separate offense.

"§ 20-388. *Willful acts of employees deemed those of motor carrier.*—The willful act of any officer, agent, or employee of a motor carrier, acting within the scope of his official duties of employment, shall, for the purpose of this Article, be deemed to be the willful act of the motor carrier.

"§ 20-389. *Actions to recover penalties.*—Except as otherwise provided in this Article, an action for the recovery of any penalty under this Article shall be instituted in Wake County, and shall be instituted in the name of the State of North Carolina on the relation of the Division against the person incurring such penalty; or whenever such action is upon the complaint of any injured person, it shall be instituted in the name of the State of North Carolina on the relation of the Division upon the complaint of such injured person against the person incurring such penalty. Such action may be instituted and prosecuted by the Attorney General, the District Attorney of the Wake County Superior Court, or the injured person. The procedure in such actions, the right of appeal and the rules regulating appeals shall be the same as provided by law in other civil actions.

"§ 20-390. *Refusal to permit Division to inspect records made misdemeanor.*—Any motor carrier, its officers or agents in charge thereof, that fails or refuses upon the written demand of the Division to permit its authorized representatives or employees to examine and inspect its books, records, accounts and documents, or its plant, property, or facilities, as provided for by law, shall be guilty of a misdemeanor. Each day of such failure or refusal shall constitute a separate offense and each such offense shall be punishable by a fine of not less than five hundred dollars ($500.00) and not more than five thousand dollars ($5,000).

"§ 20-391. *Violating rules, with injury to others.*—If any motor carrier doing business in this State by its agents or employees shall be guilty of the violations of the rules and regulations provided and prescribed by the Division, and if after due notice of such violation given to the principal officer thereof, if residing in the State, or, if not, to the manager or superintendent or secretary or treasurer if residing in the State, or, if not, then to any local agent thereof, ample and full recompense for the wrong or injury done thereby to any person as may be directed by the Division shall not be made within 30 days from the time of such notice, such motor carrier shall incur a penalty for each offense of five hundred dollars ($500.00).

"§ 20-392. *Failure to make report; obstructing Division.*—Every officer, agent or employee of any motor carrier, who shall willfully neglect or refuse to make and furnish any report required by the Division for the purposes of this Article, or who shall willfully or unlawfully hinder, delay or obstruct the Division in the discharge of the duties hereby imposed upon it, shall forfeit and pay five hundred dollars ($500.00) for each offense, to be recovered in an action in the name of the State. A delay

of 10 days to make and furnish such report shall raise the presumption that the same was willful.

"§ 20-393. *Disclosure of information by employee of Division unlawful.*—It shall be unlawful for any agent or employee of the Division knowingly and willfully to divulge any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of this Article, except to the Division or as may be directed by the Division or upon approval of a request to the Division by the Utilities Commission or by a court or judge thereof.

"§ 20-394. *Remedies for injuries cumulative.*—The remedies given by this Article to persons injured shall be regarded as cumulative to the remedies otherwise provided by law against motor carriers.

"§ 20-395. *Willful injury to property of motor carrier a misdemeanor.*—If any person shall willfully do or cause to be done any act or acts whatever whereby any building, construction or work of any motor carrier, or any engine, machine or structure of any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, he shall be guilty of a misdemeanor.

"§ 20-396. *Unlawful motor carrier operations.*—(a) Any person, whether carrier, shipper, consignee, or any officer, employee, agent, or representative thereof, who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, shall knowingly and willfully seek to evade or defeat regulations as in this Article provided for motor carriers, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than five hundred dollars ($500.00) for the first offense and not more than two thousand dollars ($2,000) for any subsequent offense.

(b) Any motor carrier, or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Division as required by this Article, or other applicable law, or to make specific and full, true, and correct answer to any question within 30 days from the time it is lawfully required by the Division so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Division or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully neglect or fail to make true and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this Article to keep the same, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Division with respect thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not more than five thousand dollars ($5,000). As used in this subsection the words 'kept' and 'keep' shall be construed to mean made, prepared or compiled as well as retained.

"§ 20-397. *Furnishing false information to the Division; withholding information from the Division.*—(a) Every person, firm or corporation operating under the jurisdiction of the Division or who is required by law

to file reports with the Division who shall knowingly or willfully file or give false information to the Division in any report, reply, response, or other statement or document furnished to the Division shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

(b) Every person, firm, or corporation operating under the jurisdiction of the Division or who is required by law to file reports with the Division who shall willfully withhold clearly specified and reasonably obtainable information from the Division in any report, response, reply or statement filed with the Division in the performance of the duties of the Division or who shall fail or refuse to file any report, response, reply or statement required by the Division in the performance of the duties of the Division shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court."

Sec. 2. G.S. 20-87 (1) is amended by deleting the word "nine" in both places it appears in the first sentence and substituting in lieu thereof the word "fifteen" and by deleting the numbers and words "G.S. 62-259 through G.S. 62-281" in the third sentence and substituting in lieu thereof the phrase "Article 17 of this Chapter".

Sec. 3. G.S. 20-143.1(c)(1) is rewritten to read as follows:

"(1) 'Flammable liquids' shall mean any liquid having a flash point below 100° F as determined by Tag Closed Tester method."

Sec. 4. G.S. 20-143.1(e) is amended by deleting the words "Utilities Commission" and substituting in lieu thereof the words "Division of Motor Vehicles".

Sec. 5. G.S. 20-145 is amended by deleting the comma ",", after the word "duties" where it first appears in the first sentence, inserting a period, ".", in lieu thereof, and striking the remainder of the sentence.

Sec. 6. G.S. 20-161(c) is rewritten to read as follows:

"(c) The operator of any truck, truck tractor, trailer or semitrailer which is disabled upon any portion of the highway shall display warning devices of a type and in a manner as required under the rules and regulations of the United States Department of Transportation as adopted by the Division of Motor Vehicles. Such warning devices shall be displayed as long as the vehicle is disabled."

Sec. 7. G.S. 20-167 is rewritten to read as follows:

"Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the rules and regulations of the United States Department of Transportation as adopted by the Division of Motor Vehicles."

Sec. 8. G.S. 20-215.3 is repealed.

Sec. 9. G.S. 62-260(a)(2) is amended by deleting the word "nine" in both places it appears in the first clause and substituting in lieu thereof the word "fifteen".

Sec. 10. G.S. 62-260(f) is amended by deleting the word "this" in the first sentence after the word "of" and before the word "Chapter" and inserting between the words "Chapter" and "and" in the first sentence the number "20"; by deleting the word "Commission" in the first sentence after the word "the" and before the word "adopted" and substituting in lieu thereof the word "Division"; and by deleting the word "Commission"

in both places it appears in the second sentence and substituting in lieu thereof the word "Division".

Sec. 11. G.S. 62-260(g) is amended by deleting the words "Utilities Commission" in both places it appears and substituting in lieu thereof the words "Division of Motor Vehicles".

Sec. 12. G.S. 62-261 is amended by deleting subsection (3), (7) and (10) and renumbering remaining subsections.

Sec. 13. G.S. 62-266 is repealed.

Sec. 14. G.S. 62-268 is amended by deleting the word "Commission" where it first appears in the first sentence after the word "the" and before the word "such" and inserting in lieu thereof the words "Division of Motor Vehicles".

Sec. 15. G.S. 62-270 is amended by deleting the word "Commission" in the first sentence and substituting in lieu thereof the words "Division of Motor Vehicles".

Sec. 16. G.S. 62-277 is repealed.

Sec. 17. G.S. 62-281 is repealed.

Sec. 18. G.S. 62-300(a) is amended by deleting subsections (8), (11) and (12) and renumbering remaining subsections.

Sec. 19. G.S. 62-300(d) is amended by deleting the words "(9)" and "(10)" in the first sentence and substituting in lieu thereof the words "(8) and(9)".

Sec. 20. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 933 **CHAPTER 455**

AN ACT TO REQUIRE LOAD LIGHTS TO BE ILLUMINATED FROM SUNSET TO SUNRISE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-117 is amended by deleting the phrase "between one-half hour after sunset and one-half hour before sunrise" and substituting the phrase "from sunset to sunrise".

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 1041 **CHAPTER 456**

AN ACT REGARDING THE ESTABLISHMENT OF FEES FOR THE ERECTION AND MAINTENANCE OF LOGO SIGNS.

The General Assembly of North Carolina enacts:

Section 1. Article 6D of Chapter 136 of the General Statutes is amended by deleting the last two sentences of G.S. 136-89.56 and substituting in lieu thereof the following:

"The fees for logo sign installation and maintenance shall be set by the Board of Transportation based on cost."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 1060 **CHAPTER 457**

AN ACT TO PROVIDE THAT FUTURE OBLIGATIONS SECURED BY A SECURITY INSTRUMENT MUST BE EVIDENCED BY A WRITTEN INSTRUMENT OR NOTATION ONLY WHEN THE OBLIGOR AND OBLIGEE HAVE AGREED IN WRITING THAT SUCH OBLIGATIONS SHALL BE EVIDENCED BY A WRITTEN INSTRUMENT OR NOTATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 45-68(2) is amended by adding after the phrase "security instrument;" the phrase: "provided, however, that this subsection shall apply only if the obligor and obligee have contracted in writing that each future obligation shall be evidenced by a written instrument or notation;".

Sec. 2. This act is effective upon ratification and applies to security instruments executed on or after the date of ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 1075 **CHAPTER 458**

AN ACT TO PERMIT THE DIVISION OF MOTOR VEHICLES TO REGISTER LOGGING VEHICLES AS A SEPARATE CATEGORY OF TRUCKS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-88.02. *Registration of logging vehicles.*—Upon receipt of an application on a form prescribed by it, the Division shall register trucks, tractor trucks, trailers, and semitrailers used exclusively in connection with logging operations in a separate category. For the purposes of this section, 'logging' shall mean the harvesting of timber and transportation from a forested site to places of sale.

Fees for the registration of vehicles under this section shall be the same as those ordinarily charged for the type of vehicle being registered."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 1183 **CHAPTER 459**

AN ACT TO AMEND CHAPTER 7A, ARTICLES 42 and 52, TO PROVIDE FOR COURT REVIEW OF THE VOLUNTARY PLACEMENT OF A JUVENILE IN FOSTER CARE PURSUANT TO AN AGREEMENT BETWEEN THE JUVENILE'S PARENTS OR GUARDIAN AND THE DIRECTOR OF SOCIAL SERVICES.

The General Assembly of North Carolina enacts:

Section 1. Article 52 of Chapter 7A of the General Statutes is amended by adding a new section thereto, as follows:

"§ 7A-661. *Review of voluntary foster care placements.*—(a) The court shall review the placement of any juvenile in foster care made pursuant to a voluntary agreement between the juvenile's parents or guardian and a county department of social services and shall make findings from evidence presented at a review hearing with regard to:

(1) The voluntariness of the placement;
(2) The appropriateness of the placement;
(3) Whether the placement is in the best interests of the juvenile; and
(4) The services that have been or should be provided to the parents, guardian, foster parents, and juvenile, as the case may be, either (i) to improve the placement or (ii) to eliminate the need for the placement.

(b) The court may approve the continued placement of the juvenile in foster care on a voluntary agreement basis, disapprove the continuation of the voluntary placement, or direct the department of social services to petition the court for legal custody if the placement is to continue.

(c) An initial review hearing shall be held not more than 180 days after the juvenile's placement and shall be calendared by the clerk for hearing within such period upon timely request by the director of social services. Additional review hearings shall be held at such times as the court shall deem appropriate and shall direct, either upon its own motion or upon written request of the parents, guardian, foster parents or director of social services.

(d) The clerk shall give at least 15 days advance written notice of the initial and subsequent review hearings to the parents or guardian of the juvenile, to the juvenile if 12 or more years of age, to the director of social services, and to any other persons whom the court may specify."

Sec. 2. G.S. 7A-523(a) is amended by changing the period at the end of subdivision (5) to a semicolon and by adding a new subdivision (6) at the end thereof, as follows:

"(6) Proceedings to review the placement of a juvenile in foster care pursuant to an agreement between the juvenile's parents or guardian and a county department of social services."

Sec. 3. This act is effective October 1, 1985.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 1221 **CHAPTER 460**

AN ACT PROVIDING FOR THE ORDERLY TRANSITION OF THE FARM POND FISHERY PROGRAM FROM FEDERAL TO STATE ADMINISTRATION.

The General Assembly of North Carolina enacts:

Section 1. The North Carolina Wildlife Resources Commission is directed to develop a plan for the orderly transition of the farm pond fishery program from federal to State administration to the end that the related services may continue to be available to farm pond owners in North Carolina. The Wildlife Resources Commission may devise a fee schedule to be assessed, after approval by the General Assembly, on farm pond owners who receive the services to offset the cost of producing and transporting fish for stocking and the cost of other direct services and products that may be furnished in connection with pond management. Other sources of funding currently available to the Commission may be temporarily used to construct and upgrade facilities, employ personnel, and purchase equipment necessary to develop the capability to administer the farm pond fishery program until such time as the General Assembly approves the user fees assessed and they raise revenues sufficient to support the program.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 1249 **CHAPTER 461**

AN ACT TO PLACE THE VENUS FLY TRAP ON THE NORTH CAROLINA PROTECTED PLANTS LISTS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 106-202.16 the Venus Fly Trap is considered an endangered species and is added to the North Carolina Protected Plants lists.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

S.B. 202 **CHAPTER 462**

AN ACT TO MAKE TECHNICAL CHANGES IN THE PUBLIC HEALTH LAW AND RELATED LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-394 is amended in the first sentence by substituting "G.S. 130A-383" for "G.S. 130A-198".

Sec. 2. G.S. 130A-325(3) is amended by substituting "G.S. 130A-17" for "G.S. 130A-16".

Sec. 3. G.S. 7A-29(a) is amended by substituting "G.S. 130A-293" for "G.S. 130-166.17B".

Sec. 4. G.S. 143B-216.11(2) is amended by substituting "G.S. 130A-290(4)" for "G.S. 130-166.16(4)".

Sec. 5. G.S. 143B-216.11(3) is amended by substituting "G.S. 130A-290(5)" for "G.S. 130-166.16(5)".

Sec. 6. G.S. 143B-216.11(4) is amended by substituting "G.S. 130A-290(7)" for "G.S. 130-166.16(5a)".

Sec. 7. G.S. 143B-216.11(5) is amended by substituting "G.S. 130A-290(8)" for "G.S. 130-166.16(7)".

Sec. 8. G.S. 143B-216.13(11) is amended by substituting "G.S. 130A-293" for "G.S. 130-166.17B".

Sec. 9. G.S. 143B-216.14(3) is amended by substituting "G.S. 130A-22(a)" for "G.S. 130-166.21E".

Sec. 10. G.S. 160A-211.1(a) is amended by substituting "G.S. 130A-290(5)" for "G.S. 130-166.16(5)".

Sec. 11. G.S. 153A-152.1(a) is amended by substituting "G.S. 130A-290(5)" for "G.S. 130-166.16(5)".

Sec. 12. G.S. 105-149 is amended by deleting the phrase "county health department" wherever it appears to "local health department" every time those words appear.

Sec. 13. The following provisions of Chapter 130 of the General Statutes are repealed: G.S. 130-187, 130-203, 130-204, and 130-205.

Sec. 14. G.S. 130A-95 is amended by deleting the phrase "and may remove a local registrar for cause".

Sec. 15. G.S. 130A-275 is amended by adding the following sentence to the end:

"The Commission may adopt by reference the U.S. Public Health Service/Food and Drug Administration 1978 Pasteurized Milk Ordinance and any amendment thereto."

Sec. 16. G.S. 162A-33 is amended in the third paragraph by deleting the phrase "Commission for Health Services" wherever it appears by substituting "Department of Human Resources"; and is further amended in the third paragraph by deleting the phrase "Director of the Commission for Health Services" and by substituting the phrase "Secretary of the Department of Human Resources".

Sec. 17. G.S. 162A-35 is amended in the first paragraph by deleting the phrase "Commission for Health Services" wherever it appears and by substituting the phrase "Department of Human Resources".

Sec. 18. G.S. 130A-334 is amended by deleting subdivisions (2), (4), and (5).

Sec. 19. G.S. 130A-242 is amended by deleting the last sentence and substituting the following: "The permits are applicable to the migrant housing and thus shall not be transferable from one migrant housing to another. In the event the migrant housing is transferred to an owner or operator other than the owner or operator who made application for the permit, the permit shall remain in full force and effect, provided that the new owner or migrant housing operator notifies the local health department within 15 days of said change in ownership or migrant housing operator."

Sec. 20. Except for Section 3, this act is effective upon ratification. Section 3 shall become effective on the effective date of Section 2, Chapter 1087, Session Laws 1983 (Regular Session 1984).

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

S.B. 370 **CHAPTER 463**

AN ACT TO PROVIDE THAT COPIES OF PROTECTIVE ORDERS ISSUED IN DOMESTIC VIOLENCE CASES MAY BE RETAINED BY COUNTY POLICE DEPARTMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50B-3(c) is amended by rewriting the last sentence to read:

"If the victim does not reside in a city or resides in a city with no police department, copies shall be issued to and retained by the sheriff, and the county police department, if any, of the county in which the victim resides."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.

H.B. 336 **CHAPTER 464**

AN ACT TO CLARIFY THE LAW REGARDING DISCIPLINARY SUSPENSIONS OF EXCEPTIONAL CHILDREN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-112(a) is amended in the first sentence by deleting the word "consecutive".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1985.

H.B. 337 **CHAPTER 465**

AN ACT TO CLARIFY THE LAW REGARDING THE COST ALLOCATION IN EXCEPTIONAL CHILDREN'S OUT-OF-DISTRICT PLACEMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-115(3) is amended in the first sentence by deleting the phrase ", out-of-state school or a school in another local educational agency" and by substituting the phrase "or an out-of-state school"; and is further amended by inserting new sentences between the third and fourth to read:

"If the placement of the child in a school in another local educational agency is determined by the local superintendents to be the most cost effective way to provide an appropriate education to that child and the

child is not currently being educated by the Department of Human Resources or the Department of Correction, the two local educational agencies shall enter into an agreement concerning the payment for services. The State is not obligated to provide any additional funds in this case."

Sec. 2. This act shall become effective July 1, 1986.

In the General Assembly read three times and ratified, this the 25th day of June, 1985.

H.B. 489 **CHAPTER 466**

AN ACT TO INCREASE THE NUMBER OF MEMBERS OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION FROM EIGHT TO NINE MEMBERS, AND CHANGE THE LIMITATION ON REELECTION OR REAPPOINTMENT OF SCHOOL BOARD MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Section 2(a)(5)(v) of Chapter 112, Session Laws of 1961, is amended by deleting "two successive", and substituting "three successive".

Sec. 2. Section 2(a)(5)(ii) of Chapter 112, Session Laws of 1961, is rewritten to read:

"(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth County Board of Education shall be composed of nine members. In the 1986 election and quadrennially thereafter, five persons shall be elected to the Winston-Salem/Forsyth County Board of Education for four-year terms. In the 1988 election and quadrennially thereafter, four persons shall be elected to the Winston-Salem/Forsyth County Board of Education for four-year terms."

Sec. 3. Section 2(a)(5)(iii) of Chapter 112, Session Laws of 1961, is amended by striking the words "The four candidates of each party receiving" from the last sentence of that subsection, and substituting in lieu thereof the words: "The four or five candidates of each party, depending on the number of persons being elected in a given year, who receive".

Sec. 4. This act does not affect the terms of office of persons serving on the Winston-Salem/Forsyth County Board of Education for terms to expire in 1986 or 1988.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1985.

H.B. 1145 **CHAPTER 467**

AN ACT TO EXEMPT BENEFITS PAID, FROM VOLUNTARY PLEDGES BY THE NORTH CAROLINA HIGHWAY PATROL, FROM INCOME TAX AND INHERITANCE TAX.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-3 is amended by adding at the end thereof a new subdivision to read as follows:

"(9) The total value of death benefits paid to a decedent's estate or a named beneficiary from voluntary pledges made by the North Carolina Highway Patrol or other association of law enforcement officers employed by the State or a county or municipality, if the benefits are paid from an assessment against the members of the association."

Sec. 2. G.S. 105-141(b) is amended by adding at the end thereof a new subdivision to read as follows:

"(30) The total value of retirement benefits paid to a member from voluntary pledges made by the North Carolina Highway Patrol or other association of law enforcement officers employed by the State or a county or municipality, if the benefits are paid from an assessment against the members."

Sec. 3. Section 1 of this act shall become effective July 1, 1985, and shall apply to the estates of decedents dying on or after that date. Section 2 of this act is effective for taxable years beginning on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 25th day of June, 1985.

H.B. 1161 **CHAPTER 468**

AN ACT TO REVISE THE APPEAL BOND STATUTE TO ALLOW FOR THE AUTOMATIC POSTING OF AN APPEAL BOND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-285 is rewritten as follows:

"§ 1-285. *Undertaking on appeal.*—(a) To render an appeal effectual for any purpose in a civil cause or special proceeding, a written undertaking must be executed on the part of the appellant, with good and sufficient surety, in the sum of two hundred fifty dollars ($250.00), or any lesser sum as might be adjudged by the court, to the effect that the appellant will pay all costs awarded against him on the appeal, and this undertaking must be filed with the clerk by whom the judgment or order was entered; or such sum must be deposited with the clerk by whom the judgment or order was entered, to abide the event of the appeal.

(b) The provisions of this section do not apply to the State of North Carolina or its agencies."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 25th day of June, 1985.

H.B. 94 **CHAPTER 469**

AN ACT TO FURTHER DEFINE THE APPROPRIATE POLITICAL ACTIVITY OF STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-13(2) is amended by deleting the words "a partisan" and substituting the word "an".

Sec. 2. G.S. 126-14 is rewritten to read as follows:

"§ 126-14. *Promise or threat to obtain political contribution or support.*—(a) It is unlawful for a State employee or a person appointed to State office, other than elective office or office on a board, commission, committee, or council whose function is advisory only, whether or not subject to the Personnel Act, to coerce a State employee subject to the Personnel Act, probationary State employee, or temporary State employee to support or contribute to a political candidate or party by threatening him with employment termination or discipline or by promising preferential personnel treatment.

(b) Any person violating this section shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars ($1,000), imprisonment for not more than six months, or both.

(c) A State employee subject to the Personnel Act, probationary State employee, or temporary State employee who without probable cause falsely accuses a State employee or a person appointed to State office of violating this section shall be subject to discipline or termination in accordance with the provisions of G.S. 126-35, 126-37, and 126-38 and may, as otherwise provided by law, be subject to criminal penalties for perjury or civil liability for libel, slander, or malicious prosecution."

Sec. 3. Article 5 of Chapter 126 of the General Statutes is amended by adding after G.S. 126-14 a new section to read:

"§ 126-14.1. *Threat to obtain political contribution or support.*—(a) It is unlawful for any person to coerce a State employee subject to the Personnel Act, probationary State employee, or temporary State employee to support or contribute to a political candidate or party by explicitly threatening him with employment termination or discipline.

(b) Any person violating this section shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars ($1,000), imprisonment for not more than six months, or both.

(c) A State employee subject to the Personnel Act, probationary State employee, or temporary State employee, who without probable cause falsely accuses a person of violating this section shall be subject to discipline or termination in accordance with the provisions of G.S. 126-35, 126-37, and 126-38 and may, as otherwise provided by law, be subject to criminal penalties for perjury or civil liability for libel, slander, or malicious prosecution."

Sec. 4. Article 5 of Chapter 126 of the General Statutes is amended by adding at the end a new section to read:

"§ 126-15.1. *Probationary State employee defined.*—As used in this Article, 'probationary State employee' means a State employee who is

exempt from the Personnel Act only because he has not been continuously employed by the State for the period required by G.S. 126-5(d)."

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.

H.B. 372 **CHAPTER 470**

AN ACT TO AMEND G.S. 130A-5 TO AUTHORIZE THE SECRETARY TO REVIEW AND EXAMINE PRIVILEGED PATIENT MEDICAL RECORDS AND TO DECLARE ALL PRIVILEGED PATIENT MEDICAL RECORDS IN THE POSSESSION OF THE DEPARTMENT OF HUMAN RESOURCES AND LOCAL HEALTH DEPARTMENTS TO BE CONFIDENTIAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-5(2) is amended by adding the following language at the end to read: "to obtain, notwithstanding the provisions of G.S. 8-53, a copy or a summary of pertinent portions of privileged patient medical records deemed necessary by joint agreement of the attending physician and a Department physician for investigating a disease or health hazard that may present a clear danger to the public health. Any physician providing copies or summaries of privileged patient medical records pursuant to this subdivision shall be immune from civil or criminal liability that might otherwise be incurred or imposed based upon invasion of privacy or breach of physician-patient confidentiality arising out of the furnishing of or agreement to furnish such records."

Sec. 2. Article 1 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-12. *Confidentiality of records.*—All privileged patient medical records in the possession of the Department of Human Resources or local health departments shall be confidential and shall not be public records pursuant to G.S. 132-1."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.

H.B. 523 **CHAPTER 471**

AN ACT TO PROHIBIT THE DISCHARGE OF FIREARMS FROM PUBLIC ROADS IN GREENE AND NASH COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to discharge a firearm from, onto, or across any public road or the right-of-way thereof.

Sec. 2. Violation of this act is a misdemeanor punishable for a first conviction by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) or imprisonment not to exceed 30 days, and punishable for a second or subsequent conviction within three years by a

fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), by imprisonment not to exceed 90 days, or by both.

Sec. 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Sec. 4. This act applies only to Greene and Nash Counties.

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.

H.B. 837 **CHAPTER 472**

AN ACT TO MAKE FURTHER TECHNICAL CHANGES IN THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of G.S. 163-66 is amended by deleting "60 days", and substituting "30 days".

Sec. 2. G.S. 163-106(b) is amended by deleting "three months", and substituting "90 days".

Sec. 3. The first paragraph of G.S. 163-142 is amended by deleting: "one hundred five percent (105%)", and substituting "one hundred percent (100%)".

Sec. 4. The eighth paragraph of G.S. 163-30 is amended by deleting "June", and substituting "July".

Sec. 5. The second paragraph of G.S. 163-294.2(a) is amended by deleting "chairman or secretary of the board of elections", and substituting "chairman or secretary of the board of elections or the supervisor of elections of that county".

Sec. 6. This act shall become effective with respect to elections held on or after September 1, 1985, except that Section 4 of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.

H.B. 989 **CHAPTER 473**

AN ACT TO PROVIDE FOR SINGLE AUDIT IMPLEMENTATION FOR LOCAL GOVERNMENTS.

The General Assembly of North Carolina enacts:

Section 1. The Local Government Commission is directed to develop a plan of action for implementing the federal Single Audit Act of 1984 in North Carolina as it pertains to local governments.

Sec. 2. In developing the plan of action, the Local Government Commission shall consider the following issues:

(a) Current auditing and monitoring procedures employed by State agencies which administer State and federally funded assistance programs to local governments.

(b) The extent to which the objectives of the aforementioned auditing and monitoring procedures might be satisfied by mandated single auditing conducted by qualified independent auditors at the local level.

(c) The extent to which State agencies administering State and federal financial assistance programs have developed guidelines on program requirements which can be used by local auditing firms.

(d) The preparedness of private auditing firms whose services are available to local governments to provide competent single auditing services.

Sec. 3. All State agencies which administer State and federal financial assistance programs to local governments are instructed to cooperate with the Local Government Commission in this effort.

Sec. 4. The Local Government Commission shall consult with statewide organizations representing interested parties, including but not limited to county and city finance officers, certified public accountants, county commissioners, and elected municipal officials.

Sec. 5. The Local Government Commission shall report its findings along with recommended legislative action to be taken by the 1986 Session of the General Assembly, to the Joint Committee on Governmental Operations no later than April 15, 1986.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.

H.B. 1074 **CHAPTER 474**

AN ACT TO CLARIFY AND IMPROVE THE PROCEDURES TO COLLECT RESTITUTION FROM CRIMINAL DEFENDANTS AND MAKE OTHER TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1343(d) is amended as follows:

(1) by deleting the second and third sentences of that subsection;

(2) by changing the period at the end of the fourth sentence of that subsection to a comma and adding the following phrase to read:

"but the court is not required to make findings of fact or conclusions of law on these matters when the sentence is imposed.";

(3) by rewriting the seventh sentence of that subsection to read:

"As used herein, 'restitution' shall mean (i) compensation for damage or loss as could ordinarily be recovered by an aggrieved party in a civil action, and (ii) reimbursement to the State for the total amount of a judgment authorized by G.S. 7A-455(b).";

(4) by deleting the period at the end of the tenth sentence of that subsection and adding the following phrase to read:

"and except that the State may receive restitution for the total amount of a judgment authorized by G.S. 7A-455(b)."; and

(5) by changing the period at the end of the twelfth sentence of that subsection to a comma and adding the following phrase to read:

"but the liability of a third party to pay indemnity to an aggrieved party or any payment of indemnity actually made by a third party to an

aggrieved party does not prohibit or limit in any way the power of the court to require the defendant to make complete and full restitution or reparation to the aggrieved party for the total amount of the damage or loss caused by the defendant."

Sec. 2. G.S. 15A-1021(d) is amended as follows:

(1) The second sentence of G.S. 15A-1021(d) is amended by deleting the words "may order" and substituting the words "may recommend" and by deleting the word "attains" and substituting the words "is granted".

(2) The third sentence of G.S. 15A-1021(d) is amended by inserting between the words "order" and "providing" the words "or recommendation".

(3) The fourth sentence of G.S. 15A-1021(d) is rewritten to read:

"When restitution or reparation is recommended as part of a plea arrangement that results in an active sentence, the sentencing court shall enter as a part of the commitment that restitution or reparation is recommended as part of the plea arrangement."

(4) The fifth sentence of G.S. 15A-1021(d) is amended by deleting the word "orders" and substituting the word "recommendations".

Sec. 3. G.S. 148-33.1 is amended as follows:

(1) Subdivision (3a) of subsection (f) is rewritten to read:

"(3a) To make restitution or reparation as provided in G.S. 148-33.2."

(2) Subdivision (4) of subsection (f) is amended by deleting the words "case before such" and substituting the words "judgment rendered by the".

Sec. 4. G.S. 148-33.2 is amended as follows:

(1) Subsection (a) is repealed.

(2) The first sentence of subsection (b) is amended by deleting that part of the sentence following the words "Department of Correction is" and substituting the following phrase to read:

"authorized to require any prisoner granted work-release privileges to make restitution or reparation to an aggrieved party from any earnings gained by the defendant while on work release when the sentencing court recommends that restitution or reparation be paid by the defendant out of any earnings gained by the defendant if he is granted work-release privileges."

(3) The first three sentences of subsection (c) are rewritten to read:

"When an active sentence is imposed, the court shall consider whether, as a rehabilitative measure, it should recommend to the Secretary of Correction that restitution or reparation be made by the defendant out of any earnings gained by the defendant if he is granted work-release privileges. If the court determines that restitution or reparation should not be recommended, it shall so indicate on the commitment. If, however, the court determines that restitution or reparation should be recommended, the court shall make its recommendation a part of the order committing the defendant to custody."

(4) The fourth sentence of subsection (c) is amended by deleting the words "order or".

(5) The fifth sentence of subsection (c) is amended by deleting the words "orders or" and the words "order or".

(6) The first sentence of subsection (d) is amended by deleting the phrase "restitution or reparation is being considered as a condition of work release," and substituting the following phrase to read:

"the payment of restitution or reparation from any earnings gained by the prisoner while on work release is being considered as a condition of any work-release privileges granted the prisoner,".

(7) The second sentence of subsection (d) is amended by deleting the words "order or".

Sec. 5. G.S. 148-57.1 is amended as follows:

(1) Subsection (a) is repealed.

(2) The first sentence of subsection (b) is amended by deleting that part of the sentence following the words "the Parole Commission is" and substituting the following phrase to read:

"authorized to require a prisoner to whom parole is granted to make restitution or reparation to an aggrieved party as a condition of parole when the sentencing court recommends that restitution or reparation to an aggrieved party be made a condition of any parole granted the defendant."

(3) The first three sentences of subsection (c) are rewritten to read:

"When an active sentence is imposed, the court shall consider whether, as a rehabilitative measure, it should recommend to the Parole Commission that restitution or reparation by the defendant be made a condition of any parole granted the defendant. If the court determines that restitution or reparation should not be recommended, it shall so indicate on the commitment. If, however, the court determines that restitution or reparation should be recommended, the court shall make its recommendation a part of the order committing the defendant to custody."

(4) The fourth sentence of subsection (c) is amended by deleting the words "order or".

(5) The fifth sentence of subsection (c) is amended by deleting the words "orders or" and the words "order or".

(6) The first sentence of subsection (d) is amended by deleting the phrase "restitution or reparation is being considered as a condition of his parole," and substituting the following phrase to read:

"the payment of restitution or reparation by the prisoner is being considered as a condition of any parole granted the prisoner,".

(7) The second sentence of subsection (d) is amended by deleting the words "order or".

Sec. 6. G.S. 15A-1374(b) is amended by adding a new subdivision to read as follows:

"(11b) Comply with an order from a court of competent jurisdiction regarding the payment of an obligation of the parolee in connection with any judgment rendered by the court."

Sec. 7. G.S. 15A-1343(b1) is amended by renumbering subdivision (9) as subdivision (10) and inserting a new subdivision (9) to read as follows:

"(9) Purchase the least expensive annual statewide license or combination of licenses to hunt, trap, or fish listed in G.S. 113-270.2, 113-270.3, 113-270.5, 113-271, 113-272, and 113-272.2 that would be required to engage lawfully in the specific activity or activities in which the

defendant was engaged and which constitute the basis of the offense or offenses of which he was convicted."

Sec. 8. G.S. 15A-1343(b)(10) is amended by deleting the words "counsel or public" and substituting the phrase "counsel, public defender, or appellate".

Sec. 9. G.S. 7A-455 is amended as follows:

(1) Subsection (a) is amended by deleting the words "counsel or by the public" and substituting the phrase "counsel, the public defender, or the appellate".

(2) The first sentence of subsection (b) is amended by deleting the words "counsel or the public" and substituting the phrase "counsel, the public defender, or the appellate".

(3) Subsection (b) is amended by adding the following sentences at the end of that subsection to read:

"In fixing the money value of services rendered by the public defender and the appellate defender, the court shall consider the factors normally involved in fixing the fees of private attorneys, such as the nature of the case, the time, effort, and responsibility involved, and the fee usually charged in similar cases. The value of the services shall be fixed by a district court judge for actions or proceedings finally determined in the district court and by a superior court judge for actions or proceedings originating in, heard on appeal in, or appealed from the superior court. Even if the trial, appeal, hearing, or other proceeding is never held, preparation therefor is nevertheless compensable."

Sec. 10. This act shall become effective 14 days after its ratification. If Article 38 of Chapter 7A of the General Statutes expires on June 30, 1985, then Sections 9 and 10 of this act shall also expire on June 30, 1985.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.

H.B. 1047 **CHAPTER 475**

AN ACT TO PROVIDE FOR CHECKING ACCOUNTS OF THE CLERKS OF SUPERIOR COURT AND FOR FEES FOR THE HANDLING OF FUNDS BY THE CLERKS OF SUPERIOR COURT.

The General Assembly of North Carolina enacts:

Section 1. G.S. Chapter 7A of the General Statutes is amended to add a new section to read:

"§ 7A-112.1. *Deposit of money held by clerks.*—The clerk of superior court shall deposit any funds that he receives by virtue of his office, except funds invested pursuant to G.S. 7A-112, in an interest-bearing checking account or accounts in a bank, savings and loan, or trust company licensed to do business in North Carolina, at the maximum feasible interest rate available taking into consideration prevailing interest rates and the checking account services provided to the clerk's office by the bank, savings and loan, or trust company. The funds deposited in such checking accounts shall be guaranteed to the same extent and in the same manner as funds invested pursuant to G.S. 7A-112."

Sec. 2. G.S. 7A-308(a) is amended by adding a new subsection as follows:

"(19) On all funds deposited by the clerk in an interest-bearing checking account established pursuant to G.S. 7A-112.1, a fee of four percent (4%) of each principal amount so deposited, not to exceed seven hundred fifty dollars ($750.00); provided, said fee shall not exceed the amount of interest earnings on any principal amount so deposited. Interest earnings in excess of the prescribed clerk's fee shall be remitted to the beneficial owners of the respective principal amounts. The clerks' fees collected pursuant to this subsection shall be paid to the county as court facilities fees and used as prescribed by G.S. 7A-304(a)(2)."

Sec. 3. The first sentence of G.S. 7A-308(a)(16) is rewritten to read:

"On all funds placed with the clerk by virtue or color of his office and administered and invested pursuant to G.S. 7A-112, a fee equal to five percent (5%) not to exceed one thousand dollars ($1,000) of the principal fund; provided, said fee shall not exceed the amount of any investment earnings on the fund."

Sec. 4. Sections 1 and 2 of this act shall become effective October 1, 1985, and shall apply to funds on checking account deposit on and after that date. Section 3 shall become effective October 1, 1985, and shall apply to fees assessed pursuant to G.S. 7A-308(a)(16) on and after that date.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.

H.B. 1110 **CHAPTER 476**

AN ACT TO LICENSE THE PROPAGATION OF FURBEARERS AND FOXES IN CAPTIVITY AND THE SALE OF THE PELTS THEREOF FOR USE AS FUR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-273 is amended by inserting a new subsection (i) to read as follows:

"(i) Furbearer Propagation License. No person may engage in propagation in captivity or possess any species of furbearers for propagation for the purpose of selling the animals or their pelts for use as fur without first procuring a license under this subsection. The furbearer propagation license is issued by the Wildlife Resources Commission upon payment of a fee of twenty-five dollars ($25.00). It authorizes the propagation or sale of the pelts or carcasses of the species of furbearing animals named therein, including bobcats, opossums and raccoons, or red and silver foxes (Vulpes vulpes), for use as fur. The Wildlife Resources Commission may by regulation prescribe the activities covered by the license, the manner of keeping and raising the animals and the manner of killing them prior to sale, in accordance with overall objectives of conservation of wildlife resources and humane treatment of wild animals raised in captivity. The Wildlife Resources Commission may require tagging of the pelts or carcasses of the animals prior to sale in accordance with the provisions of G.S. 113-276.1(5) and G.S. 113-291.4(g). It is unlawful for any person licensed under this subsection to sell any

pelt or carcass of any furbearing animal or fox to any other person who is not lawfully authorized to buy and possess the same, or to sell or deliver a live specimen of any such animal to any person who is not authorized to buy or receive and to hold the animal in captivity."

Sec. 2. G.S. 113-291.4(g) is amended by deleting the second sentence.

Sec. 3. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.

S.B. 701 **CHAPTER 477**

AN ACT TO MAKE UNLAWFUL THE IMPERSONATION OF CITY, COUNTY OR STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-277 of Article 35 of Chapter 14 of the General Statutes is hereby amended as follows:

Sec. 2. Said statute shall be entitled "Impersonation of Public Officers."

Sec. 3. The present language of G.S. 14-277 shall be denominated G.S. 14-277(a).

Sec. 4. A new subsection (b) to read as follows is hereby enacted:

"(b) It shall be unlawful for any person other than duly authorized employees of a county, a municipality or the State of North Carolina, including but not limited to, the Department of Social Services, Health, or Mental Health or Building Inspector to represent to any person that they are duly authorized employees of a county, a municipality or the State of North Carolina or one of the above enumerated departments and acting upon such representation to perform any act, make any investigation, seek access to otherwise confidential information, perform any duty of said office, gain access to any place not otherwise open to the public, or seek to be afforded any privilege which would otherwise not be afforded to such person except for such false representation or make any attempt to do any of said enumerated acts. Any person, corporation, or business association violating the provisions of this section shall be guilty of a misdemeanor and upon conviction may be fined or imprisoned at the discretion of the court."

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.

S.B. 714 **CHAPTER 478**

AN ACT CREATING THE OFFENSE OF DUMPING LITTER ON PRIVATE PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Article 52 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-399.1. *Dumping litter.*—(a) A person is guilty of a misdemeanor if he intentionally dumps or places litter on the private property of another without the consent of the owner of the property. This act shall not apply to a tenant or lessee unless said tenant or lessee fails to remove such litter within 10 days after he is given written or oral notice to remove such litter following termination of said lease or rental agreement.
The presumption in G.S. 14-399(b) and the definition of 'litter' in G.S. 14-399(c) apply to this section.

(b) Violation of this section is punishable by imprisonment for up to 30 days and a fine of up to five hundred dollars ($500.00). A second or subsequent violation of this section is punishable by imprisonment for up to six months and a fine of up to one thousand dollars ($1,000)."

Sec. 2. This act shall become effective October 1, 1985, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.

S.B. 1 **CHAPTER 479**

AN ACT TO MAKE APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENT, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

Whereas, the intent of the General Assembly as expressed in Chapter 1103 of the 1983 Session Laws (Regular Session 1984) mandated a rigorous academic course of study for the purpose of ensuring a quality education; and

Whereas, it is the intent of the General Assembly that the Basic Education Program be designed to graduate good citizens who have the skills demanded in the marketplace and the skills necessary to cope with and enjoy contemporary society; and

Whereas, it is further the intent that the Basic Education Program define a common core of knowledge and skills that each student should master prior to graduation from high school; and

Whereas, it is intended that the Basic Education Program provide each student in the North Carolina public schools a basic level of instructional programs and services, regardless of geographic location or local economic factors; and

Whereas, it is expected that the Basic Education Program shall produce graduates who have an understanding of our national and State government, the benefits of the free enterprise system, and the rights and responsibilities of American citizenship. To this end, local administrative units are encouraged to provide frequent opportunities to pledge allegiance to the flag of the United States; and

Whereas, in order to teach every child to read to the best of his or her ability, reading instruction should be based on the individual child's needs, interests, and stage of development. This means that a variety of instructional approaches should be employed and that the content of the materials used should be meaningful and relevant. These approaches may include phonics, language-experience, linguistics, individualized reading, programmed and computer-assisted instruction, and basal readers; and

Whereas, it is the intent of the General Assembly that the Basic Education Program respect the rights of the individual and the family to privacy, the right of the people to the privilege of an education and the duty of the State to guard and maintain that right, and the duty of the State to promote the well-being of our children, which rights and duties are all guaranteed by our system of government and our laws; and

Whereas, Section 55 of this act pertains to the Basic Education Program; Now therefore,

The General Assembly of North Carolina enacts:

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

Sec. 1.1. This act shall be known as "The Current Operations Appropriations Act of 1985."

*****

An outline of the provisions of the act follows this section. The outline shows the heading "——CONTENTS/INDEX——" and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act.

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(This outline is designed for reference only, and the outline and the corresponding entries throughout the act in no way limit, define, or prescribe the scope or application of the text of the act.)

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Current Operations-General Fund	*1985-86*	*1986-87*
General Assembly	$ 11,447,763	$ 14,009,233
Judicial Department	124,224,500	129,114,590
Department of The Governor	7,423,814	7,581,535
Reserve for Biotechnology Center	5,000,000	-0-
Lieutenant Governor's Office	445,973	473,834
Department of Secretary of State	1,698,737	1,603,221
Department of State Auditor	8,697,702	8,683,092
Department of State Treasurer	3,311,534	3,377,304
Department of Public Education	1,997,325,035	2,009,326,705
Department of Justice	32,393,605	32,179,275
Department of Agriculture	28,754,235	28,354,974
Department of Labor	5,596,812	5,801,547
Department of Insurance	7,000,068	8,083,673
Department of Administration	37,560,190	38,057,811

Current Operations-General Fund	*1985-86*	*1986-87*
Department of Transportation		
01. Public Transportation	1,600,000	1,645,000
02. Aeronautics	3,516,571	3,516,571
03. Aid to Railroads	100,000	100,000
Total Department of Transportation	5,216,571	5,261,571
Department of Natural Resources and Community Development	53,559,244	54,416,711
Department of Human Resources		
01. Alcoholic Rehabilitation Center-Black Mountain	2,758,580	2,761,168
02. Alcoholic Rehabilitation Center-Butner	2,281,454	2,278,163
03. Alcoholic Rehabilitation Center-Greenville	1,941,669	1,947,104
04. N.C. Special Care Center	3,669,367	3,729,829
05. Black Mountain Center	37,446	136,673
06. DHR-Administration and Support Program	21,485,020	23,743,156
07. Schools for the Deaf	13,659,976	13,260,648
08. Governor Morehead School	3,841,536	3,869,916
09. Division of Health Services	71,940,763	73,897,626
10. Social Services	71,157,414	71,285,588
11. Medical Assistance	203,420,877	217,744,497
12. Social Services-State Aid to Non-State Agencies	3,651,646	3,651,646
13. Division of Services for the Blind	5,461,491	5,527,511
14. Division of Mental Health and Mental Retardation Services	104,736,912	105,492,224
15. Dorothea Dix Hospital	29,190,157	29,615,609
16. Broughton Hospital	22,934,542	23,099,514
17. Cherry Hospital	22,830,221	22,915,032

Current Operations-General Fund	*1985-86*	*1986-87*
18. John Umstead Hospital	23,049,663	23,216,708
19. Western Carolina Center	3,331,761	3,479,985
20. O'Berry Center	3,120,193	3,273,517
21. Murdoch Center	15,303,286	14,500,675
22. Caswell Center	13,363,387	13,716,594
23. Division of Facility Services	7,578,579	7,840,742
24. Division of Vocational Rehabilitation Services	20,436,563	21,232,121
25. Division of Youth Services	31,947,696	33,024,634
Total Department of Human Resources	703,130,199	729,099,832
Department of Correction	215,591,770	217,962,306
Department of Commerce	22,671,077	22,767,538
Reserve for Microelectronics Center of North Carolina	16,729,000	12,226,000
Department of Revenue	33,986,965	34,163,900
Department of Cultural Resources	26,664,969	26,918,428
Department of Crime Control and Public Safety	13,554,198	13,257,398
University of North Carolina-Board of Governors		
01. General Administration	11,369,547	11,476,500
02. University Operations-Lump Sum	36,701,146	43,725,701
03. Related Educational Programs	33,027,698	33,187,688
04. University of North Carolina at Chapel Hill		
a. Academic Affairs	95,228,420	96,643,271
b. Division of Health Affairs	67,612,216	68,353,141
c. Area Health Education Centers	23,493,053	23,496,062
05. North Carolina State University at Raleigh		

Current Operations-General Fund	*1985-86*	*1986-87*
a. Academic Affairs	117,475,872	118,848,733
b. Agricultural Research Service	25,145,485	25,192,980
c. Agricultural Extension Service	19,582,062	19,647,943
06. University of North Carolina at Greensboro	35,640,256	36,310,449
07. University of North Carolina at Charlotte	31,504,702	31,818,022
08. University of North Carolina at Asheville	8,352,141	8,494,327
09. University of North Carolina at Wilmington	18,243,164	18,545,591
10. East Carolina University	79,178,962	80,135,969
11. North Carolina Agricultural and Technical State University	23,538,013	24,047,590
12. Western Carolina University	22,366,447	22,481,467
13. Appalachian State University	33,860,070	34,350,147
14. Pembroke State University	8,210,923	8,361,945
15. Winston-Salem State University	10,590,841	10,713,848
16. Elizabeth City State University	7,925,441	8,084,628
17. Fayetteville State University	9,984,849	10,082,674
18. North Carolina Central University	19,986,845	20,164,572
19. North Carolina School of the Arts	5,622,748	5,681,132
20. North Carolina Science and Math High School	4,102,090	5,001,315
21. North Carolina Memorial Hospital	23,963,536	24,740,652
Total University of North Carolina	772,706,527	789,586,347
Department of Community Colleges	259,369,538	248,250,430

Current Operations-General Fund	*1985-86*	*1986-87*
State Board of Elections	300,392	285,715
Contingency and Emergency	1,125,000	1,125,000
Reserve for Salary Adjustments	500,000	500,000
Reserve for Electronic Data Processing	2,870,000	2,300,000
Reserve for State Aid, Local Programs	6,505,825	7,938,046
Reserve for Salary Increases	300,000,000	318,000,000
Reserve for Salary Increases, State Aid, Local Programs	4,814,406	4,814,406
Reserve for Hospital-Medical Benefits	34,000,000	34,000,000
Debt Service-Interest	35,281,250	35,266,250
Debt Service-Redemption	40,500,000	41,500,000
GRAND TOTAL CURRENT OPERATIONS—GENERAL FUND	$4,819,956,899	$4,882,427,720

PART II.——CURRENT OPERATIONS/HIGHWAY FUND

Sec. 3. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the biennium ending June 30, 1987, according to the following schedule:

Current Operations-Highway Fund	*1985-86*	*1986-87*
Department of Transportation		
01. Administration	$ 21,677,826	$ 21,500,840
02. Highways		
a. Administration and Operations	25,497,794	25,555,914
b. State Construction		
(01) Primary Construction	1,500,000	1,500,000
(02) Secondary Construction	47,712,500	48,662,500
(03) Urban Construction	1,500,000	1,500,000
(04) Access and Public Service Roads	2,000,000	2,000,000

Current Operations-Highway Fund	*1985-86*	*1986-87*
c. State Funds to Match Federal Highway Aid		
(01) Construction	68,130,000	27,860,000
(02) Planning Survey and Highway Planning Research	760,920	781,324
d. State Maintenance		
(01) Primary	65,627,121	67,359,677
(02) Secondary	119,450,241	122,603,727
(03) Urban	16,552,162	16,989,139
(04) Contract Resurfacing	81,191,673	84,049,620
e. Ferry Operations	11,416,657	11,416,657
f. State Aid to Municipalities	47,312,500	48,262,500
g. State Aid Public Transportation	500,000	500,000
03. Division of Motor Vehicles	49,513,859	48,613,982
04. Governor's Highway Safety Program	276,104	276,698
05. Salary Adjustments for Highway Fund Employees	200,000	200,000
06. Debt Service	38,445,500	37,971,000
08. Reserve to Correct Occupational Safety and Health	350,000	350,000
09. Reserve for Salary Increase	22,500,000	27,500,000
10. Reserve for Hospital Medical-Benefits	3,100,00	3,100,000
Appropriations for Other State Agencies		
01. Crime Control and Public Safety	60,255,249	60,432,857
02. Other Agencies		
a. Department of Agriculture	1,943,995	1,975,636
b. Department of Revenue	1,188,962	1,204,279
c. Department of Human Resources	277,860	277,957

Current Operations-Highway Fund	*1985-86*	*1986-87*
d. Department of Correction	1,750,000	1,750,000
e. Department of Public Education	23,160,350	22,115,034
Contingencies and Emergency Fund	100,000	100,000
GRAND TOTAL CURRENT OPERATIONS—HIGHWAY FUND	$713,891,273	$686,409,341

PART III.——APPROPRIATION OF FEDERAL BLOCK GRANT FUNDS ——BLOCK GRANT FUNDS ALLOCATED

Sec. 4. Appropriations from federal block grant funds are made for the fiscal year ending June 30, 1986, according to the following schedule:

Preventive Health Block Grant	
01. Emergency Medical Services	450,000
02. Health Department	933,000
03. Hypertension Programs	538,628
04. Risk Reduction Programs	564,686
05. Fluoridation of Water Supplies	159,979
06. Rape Prevention and Rape Crisis Programs	89,369
TOTAL Preventive Health Block Grant	$ 2,735,662
Maternal and Child Health Block Grant	
01. Local Maternal and Child Health and Family Planning Services	$ 8,664,764
02. High Risk Maternity Clinic Services, Perinatal Education and Child Vaccination Services	1,416,935
03. Services to Disabled Children	4,552,121
04. Sudden Infant Death Syndrome	33,000
05. Lead-Based Paint Poisoning	72,000
06. Perinatal Reimbursement	2,100,000
TOTAL Maternal and Child Health Services	$16,838,820

Unanticipated receipts to the Maternal and Child Health Program shall be allocated in the following manner: Sixty-five percent (65%) of additional MCH funds shall be allocated to the perinatal program; thirty-five percent (35%) shall be allocated to local health departments for expanded services in prenatal and family planning clinics and for purchase of medical services and supplies.

Social Services Block Grant	
01. County Departments of Social Services	$42,601,196
02. Division of Mental Health, Mental Retardation, and Substance Abuse	6,051,506
03. Division of Services for the Blind	2,714,020
04. Division of Health Services	1,632,667
05. Division of Youth Services	1,051,428

06.	Division of Facility Services	206,639
07.	Division of Aging	27,652
08.	Day Care Services	11,347,803
09.	Volunteer Services	39,167
10.	State Administration and State Level Contracts	3,244,505
11.	Sickle Cell Programs	281,000
12.	Day Care Training	646,294
13.	Voluntary Sterilization Funds	500,000
	TOTAL Social Services Block Grant	$70,343,877
Low Income Energy Block Grant		
01.	Energy Assistance Programs	$26,710,520
02.	Crisis Intervention	6,200,000
03.	Administration	3,000,000
04.	Weatherization Program	4,000,000
05.	Indian Affairs	42,280
06.	Transfer to Maternal and Child Health Block Grant	3,800,000
07.	Emergency Medical Services	200,000
08.	Day Care Funds	800,000
09.	Unexpended Reserve	653,913
	TOTAL Low Income Energy Block Grant	$45,406,713
Alcohol and Drug Abuse and Mental Health Services Block Grant		
01.	Continuation of Staffing Grants to Four Area Mental Health Programs	$ 1,255,146
02.	Funds to Area Mental Health, Mental Retardation, and Substance Abuse Programs to Be Distributed on a Per Capita Basis	2,051,556
03.	Services to Persons Who Have Aged Out of the Willie M. Class	1,001,502
04.	Crisis Stabilization for the Mentally Ill	169,847
05.	Group Homes, Early Intervention, and Day Treatment Programs for Emotionally Disturbed Children	198,000
06.	Programs for the Chronically Mentally Ill	1,735,843
07.	Programs for Severely Emotionally Disturbed Children and Adolescents	107,377
08.	Training Funds for Suicide Prevention for Children, Services to the Chronically Mentally Ill and the Elderly	23,250
09.	Funds to Substance Abuse Programs	3,341,665
10.	Alcohol Services for Funds	567,411
11.	Training for Substance Abuse Services	20,700
12.	Administrative Costs	580,703
	TOTAL Alcohol and Drug Abuse and Mental Health Services Block Grant	$10,963,000

Job Training Partnership Act	
01. Title II A funds to the 12 service delivery areas to train economically disadvantaged youth and adults	$32,195,402
02. Education set aside to State education agencies for projects to serve eligible participants	3,302,092
03. Incentive grants and technical assistance funds to service delivery areas	2,467,569
04. Funds to the Department of Human Resources for training of economically disadvantaged older workers	1,238,285
05. Funds to the Department of Natural Resources and Community Development to administer and audit all activities related to the Job Training Partnership Act program	2,063,808
06. Title II B Summer Youth Employment & Training funds to service delivery areas for economically disadvantaged youth	17,662,149
07. Title III Dislocated workers funds to the Employment Security Commission	3,482,448
TOTAL Job Training Partnership Act	$62,411,753
Community Services Block Grant	
01. Community Action Agencies	$ 8,182,212
02. Limited Purpose Agencies	454,567
03. Commission on Indian Affairs	20,593
04. Department of Natural Resources and Community Development to administer and monitor the activities of the Community Services Block Grant	454,567
TOTAL Community Services Block Grant	$ 9,111,939
Community Development Block Grant	
01. State Administration	$ 963,520
02. Urgent Needs/Contingency	2,110,624
03. Development Planning	422,124
04. Economic Development	8,442,496
05. Community Revitalization	31,237,246
TOTAL Community Development Block Grant	$43,176,000
Education Consolidation and Improvement Act Chapter II	$12,457,599

PART IV.——SPECIAL PROVISIONS/HIGHWAY FUND CURRENT OPERATIONS

——HIGHWAY FUND/ALLOCATIONS BY TRANSPORTATION CONTROLLER

Sec. 5. The Controller of the Department of Transportation shall allocate, at the beginning of each fiscal year, from the various appropriations made to the Department of Transportation in Section 3 of this act, Titles:

02.b. - State Construction
02.c. - State Funds to Match Federal Highway Aid
02.d. - State Maintenance
02.e. - Ferry Operations

sufficient funds to eliminate all overdrafts on State maintenance and construction projects, and these allocations may not be diverted to other purposes.

——HIGHWAY FUND/LIMITATIONS ON OVEREXPENDITURES

Sec. 6. (a) Overexpenditures may be made by authorization of the Director of the Budget from Section 3 of this act, Titles:

02.b.(01) - State Construction/Primary Construction
02.b.(03) - State Construction/Urban Construction
02.b.(04) - State Construction/Access and Public Service Roads
02.c. - State Funds to Match Federal Highway Aid
02.d. - State Maintenance
02.e. - Ferry Operations

provided that there are corresponding underexpenditures from these same titles. Overexpenditures or underexpenditures in any titles may not vary by more than ten percent (10%) without prior consultation with the Advisory Budget Commission.

(b) Overexpenditures from Section 3 of this act, Titles:

02.b.(01) - State Construction/Primary Construction
02.b.(03) - State Construction/Urban Construction
02.b.(04) - State Construction/Access and Public Service Roads
02.c. - State Funds to Match Federal Highway Aid
02.d. - State Maintenance
02.e. - Ferry Operations

for the purpose of providing additional positions shall be approved by the Director of the Budget.

——CASH FLOW/HIGHWAY FUND APPROPRIATIONS

Sec. 7. The General Assembly authorizes and certifies anticipated revenues of the Highway Fund as follows:

For Fiscal Year 1987-88	$709,716,000
For Fiscal Year 1988-89	$723,910,000

——RESURFACED ROADS MAY BE WIDENED

Sec. 8. Of the contract maintenance resurfacing program funds appropriated in Section 3 of this act to the Department of Transportation, an amount not to exceed ten percent (10%) of the Board of Transportation's allocation of these funds may be used for widening existing narrow pavements that are scheduled for resurfacing.

——USE OF SALES TAX COLLECTED BY THE DIVISION OF MOTOR VEHICLES

Sec. 9. Notwithstanding the second sentence of the sixth paragraph of G.S. 105-164.4(1), the Department of Transportation may deduct and retain from the sales tax on motor vehicles collected pursuant to that subdivision an amount equal to the cost to the Division of Motor Vehicles of collecting the sales tax on motor vehicles, but not to exceed four hundred seventy-five thousand dollars ($475,000) per year. The cost of collecting this tax shall be determined by the Secretary of Transportation, subject to the approval of the State Budget Officer.

PART V.——GENERAL PROVISIONS

——SPECIAL FUNDS, FEDERAL FUNDS, AND DEPARTMENTAL RECEIPTS/AUTHORIZATION FOR EXPENDITURES

Sec. 10. There is appropriated out of the cash balances, federal receipts, and departmental receipts available to each department, sufficient amounts to carry on authorized activities included under each department's operations. All these cash balances, federal receipts, and departmental receipts shall be expended and reported in accordance with provisions of the Executive Budget Act, except as otherwise provided by statute. The Director of the Budget shall develop necessary budget controls, regulations, and systems to ensure that these funds and other State funds subject to the Executive Budget Act, may not be spent in a manner which would cause a deficit in expenditures.

Pursuant to G.S. 143-34.2, State departments, agencies, institutions, boards, or commissions may make application for, receive, or disburse any form of non-State aid. All non-State monies received shall be deposited with the State Treasurer unless otherwise provided by State law. These funds shall be expended in accordance with the terms and conditions of the fund award that are not contrary to the laws of North Carolina.

——INSURANCE AND FIDELITY BONDS

Sec. 11. All insurance and all official fidelity and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of placement shall be paid by the affected department, institution, or agency with the approval of the Insurance Commissioner.

——BUDGETING OF PILOT PROGRAMS

Sec. 12. (a) Any program designated by the General Assembly as experimental, model, or pilot shall be shown as a separate budget item and shall be considered as an expansion item until a succeeding General Assembly reapproves it.

Any new program funded in whole or in part through a special appropriations bill shall be designated as an experimental, model, or pilot program.

(b) The Governor shall submit to the General Assembly with his proposed budget a report of which items in the proposed budget are subject to the provisions of this section.

——AUTHORIZED TRANSFERS

Sec. 13. The Director of the Budget may transfer to General Fund budget codes from the General Fund salary adjustment appropriation, and may transfer to Highway Fund budget codes from the Highway Fund salary adjustment appropriation, amounts required to support approved salary adjustments made necessary by difficulties in recruiting and holding qualified employees in State government. The funds may be transferred only when the use of salary reserve funds in individual operating budgets is not feasible.

Sec. 14. G.S. 143-23(a1) and Sections 156 and 157 of this act do not apply to the General Assembly.

——SALARY RELATED CONTRIBUTIONS/EMPLOYERS

Sec. 15. Required employer salary-related contributions for employees whose salaries are paid from department, office, institution, or agency receipts shall be paid from the same source as the source of employee's salary. If an employee's salary is paid in part from the General Fund and in part from department, office, institution, or agency receipts, required employer salary-related contributions may be paid from the General Fund only to the extent of the proportionate part paid from the General Fund in support of the salary of the employee, and the remainder of the employer's requirements shall be paid from the source that supplies the remainder of the employee's salary. The requirements of this section as to source of payment are also applicable to payments on behalf of the employee for hospital-medical insurance, longevity, unemployment insurance, and workers' compensation.

——SHIFT PREMIUM PAY

Sec. 16. Shift premium pay shall be paid to all State employees in non-medically related positions through salary grade 69 and to all State employees in medically related positions through salary grade 73, subject to the provisions of this section. Shift premium pay for employees in medically related positions shall be limited to ten percent (10%) of salary or one dollar ($1.00) per hour, whichever is greater. The State Personnel Commission shall set the higher shift premium pay for employees in medically related positions only after finding that the higher pay is necessary to meet existing competition from private employers.

The State Personnel Commission may not adopt a shift premium pay schedule higher than those stated in this section unless the higher schedule is first approved by the General Assembly and funds are appropriated to implement the higher pay. The Commission may, however, request authorization to pay shift premium pay to employees in grades above those stated in this section when the Commission determines that there is a critical shortage of employees in a position because of competition from private employers who pay shift premium pay for that type work. Such a request shall be made to the General Assembly if it is in session; otherwise, the request shall be approved by the Director of the Budget with the advice of the Advisory Budget Commission.

The State Personnel Commission shall strictly enforce its regulation requiring that employees who receive shift premium pay be regularly

assigned to night or shift work. In enforcing the regulation the Commission shall strictly construe "regularly" so that shift premium pay shall not be paid to employees temporarily placed on a shift receiving such pay.

——EXPENDITURES OF FUNDS IN RESERVES LIMITED

Sec. 17. All funds appropriated by this act into reserves may be expended only for the purposes for which the reserves were established.

PART VI.

——PUBLIC SCHOOLS

——LEGISLATIVE OVERSIGHT OF EDUCATION PROGRAMS

Sec. 18. The Joint Legislative Commission on Governmental Operations shall oversee:

(1) The career ladder pilot programs;
(2) The implementation of the Basic Education Program;
(3) The planning for the advancement center for teachers;
(4) School administrator training programs: who provides them, who designs them, what training they provide, what populations they serve, and whether some or all of these programs should be consolidated; and
(5) Any other subjects the Commission deems appropriate.

——SCHOLARSHIP LOAN FUND FOR PROSPECTIVE TEACHERS

Sec. 19. The funds appropriated to the Department of Public Education in Section 2 of this act to provide an additional 200 scholarship loans at two thousand dollars ($2,000) each during each year of the 1985-87 biennium shall be allocated to the Scholarship Loan Fund for Prospective Teachers established by G.S. 115C-468, along with sufficient funds to continue the 200 new scholarship loans set up in 1984-85. All scholarships provided pursuant to this section are subject to the provisions of Article 32A of Chapter 115C of the General Statutes except as otherwise provided in this section. The criteria for awarding scholarships shall be measures of academic performance, including grade point average, scores on standardized tests, class rank, and recommendations of guidance counselors. Insofar as possible, an equal number of scholarships shall be awarded in each of the State's congressional districts.

——COMPETENCY TESTING/MEASUREMENT

Sec. 20. Changes in testing programs shall build on the foundation of the Annual Testing Program, may not duplicate programs, and shall result in more objective information.

Achievement-type tests to evaluate students in grades 3, 6, and 8 in the basic areas not included in the Annual Testing Program shall be acquired in the most cost-efficient manner. This may be either by purchase of tests already available on the commercial market or by development of tests by the staff of the Department of Public Instruction, including those who administer the Annual Testing Program. The future

development of competency-type tests for use in North Carolina may include the use of commercially available materials and instruments, where available and appropriate, and duplication of commercially available materials may not occur.

Funds appropriated in the sum of nine hundred forty-six thousand five hundred dollars ($946,500) in Section 2 of this act for each year of the fiscal biennium for development of the competency-based testing programs may be used to create new personnel positions only if that is the most efficient way to acquire appropriate achievement-type tests. The funds appropriated may be used for external contractual services without the addition of new positions.

All assessments shall be fully tested in the field prior to being used to make individual student decisions. In the case of end-of-course tests, the State Board of Education may not impose passing scores. Information from these tests may be used, in part, by teachers and local officials in arriving at student grades and in making administrative recommendations.

——COMPETENCY PROGRAMS BUDGETED LIKE PILOT PROGRAMS

Sec. 21. The Competency Development K-12 and the Competency Testing/Measurement programs of the State Board of Education are subject to the provisions of Section 12 of this act.

——COMMUNITY SCHOOLS FUNDS

Sec. 22. Funds appropriated in Section 2 of this act to the Department of Public Education for the Community Schools Program shall be used only for the Community Schools Program and may not be used for any other program or purpose.

——STAFF ALLOCATIONS TO SPECIAL DAY SCHOOL PROGRAMS

Sec. 23. The State Board of Education shall develop staffing ratios for administrators of special day school programs that serve only the handicapped. The State Board shall report its current and proposed staffing ratios and the cost of implementing them to the chairmen of the Appropriations Expansion Budget Committees in the Senate and the House of Representatives and to the Fiscal Research Division by May 1, 1986.

——ACCOUNTING FOR ADM POSITIONS SERVING EXCEPTIONAL CHILDREN

Sec. 24. It is the intent of the General Assembly that funds appropriated in the budget line item, "State aid — exceptional children," and the allocations of regular positions to local school administrative units for children with special needs shall be used to benefit directly the children with special needs.

For the 1985-86 school year, the State Board of Education shall notify the superintendent of each school administrative unit of the number of regular positions allotted to the unit based on the number of children with special needs in self-contained classes computed in the average daily membership of the unit. The superintendent shall account for the proper

utilization of these positions and shall report to the State Board of Education, which will then report its findings on the utilization of these positions to the Legislative Commission on Children with Special Needs and the Fiscal Research Division by November 1, 1985.

——PURCHASE OF BUSES IN LIEU OF CONTRACT TRANSPORTATION

Sec. 25. Funds appropriated to the Department of Public Education for the 1985-87 biennium for contract transportation to serve exceptional children who are unable because of their handicap to ride the regular school buses may be used by local boards of education for the purchase of buses and minibuses as well as for the purposes authorized in this act. These funds shall be expended in accordance with rules and regulations adopted by the State Board of Education.

——LIMIT FREE BUS TRANSPORTATION OF CHILDREN WITH SPECIAL NEEDS TO HANDICAPPED CHILDREN

Sec. 26. (a) G.S. 115C-108 is amended in the third sentence by inserting immediately after the word "transportation" the phrase "for handicapped children with special needs who are unable because of their handicap to ride the regular school buses".

(b) G.S. 115C-250(a) is amended in the first and second paragraphs by deleting the phrase "transportation of children with special needs" and by substituting the phrase "transportation of handicapped children with special needs who are unable because of their handicap to ride the regular school buses and"; and is further amended in the third paragraph by deleting the phrase "transportation of the child" and by substituting the phrase "transportation of the child, if handicapped and unable because of the handicap to ride the regular school buses,".

——VOCATIONAL EDUCATION STUDY

Sec. 27. (a) The Joint Legislative Commission on Governmental Operations shall study the relationship of vocational education and skills training offered in public schools, community college system institutions, and proprietary institutions, as well as public and private colleges and universities and training under the Job Training Partnership Act.

The study shall:

(1) Examine the General Statutes applicable to vocational and technical education and determine whether the statutes are being implemented;

(2) Review current studies of vocational and technical education needs and practices to identify key findings that are relevant to North Carolina; and

(3) Determine the current status of vocational and technical education in North Carolina. The status review shall examine:

a. What is offered;
b. Where it is offered;
c. What equipment and facilities are used;
d. By whom it is taught and to whom it is taught;
e. What happens to the graduates;

f. What it costs and who pays for it;
g. Whether there is unnecessary duplication; and
h. Whether it is in compliance with federal funding requirements.

(4) Review the status of vocational and technical teacher training in North Carolina. This review shall include examining:

a. Where vocational and technical instructors are trained;
b. By whom they are trained; and
c. The supply of and demand for these instructors.

(5) Recommend the shape and structure of a more effective and efficient vocational and technical delivery system in North Carolina. This shall identify current policies, standards, and practices that should be continued and recommend needed changes to implement the improved system.

The Joint Legislative Commission on Governmental Operations may hire a consultant to assist it in this study in accordance with G.S. 120-79.

(b) To the extent not forbidden by federal law, of the funds available to the State Board of Education for vocational education, the State Budget Office shall allocate to the Joint Legislative Commission on Governmental Operations one hundred thousand dollars ($100,000) for fiscal year 1985-86 for the study mandated in subsection (a) of this section.

(c) To the extent not forbidden by federal law, of the funds available to the Department of Natural Resources and Community Development pursuant to the Job Training Partnership Act, the State Budget Office shall allocate to the Joint Legislative Commission on Governmental Operations one hundred thousand dollars ($100,000) for fiscal year 1985-86 for the study mandated in subsection (a) of this section.

——STANDARDS FOR APPROVAL OF VOCATIONAL EDUCATION PROGRAMS

Sec. 28. Beginning with the plans and applications for the 1986-87 school year, the State Board of Education may not approve any local vocational education plans or applications unless:

(1) The programs are in accordance with the purposes of G.S. 115C-151;
(2) The vocational programs and courses are not duplicated within a local school administrative unit, unless the unit has data to justify the duplication or the unit has a plan to redirect the duplicative programs within three years;
(3) For all current job skill programs, there is a documented need, based on labor market data or follow-up data, or there is a plan to redirect the program within two years;
(4) New vocational programs show documented need based on student demand, or for new job skill programs, based on student and labor market demand; and
(5) All programs are responsive to technological advances, changing characteristics of the work force, and the academic, technical, and attitudinal development of students.

Local programs using the cooperative vocational education method shall be approved subject to students enrolled being placed in employment commensurate with the respective program criteria.

As used in this section, "labor market data" means data provided in the State Plan for Vocational Education, data provided through a local survey, or both.

——FUNDS TO REPLACE FEDERAL VOCATIONAL EDUCATION FUNDS

Sec. 29. It is the policy of the State of North Carolina to make every effort to encourage students ages 14-18 to complete their education. The General Assembly finds that this can be best accomplished by focusing on preventing 14 to 18 year olds from dropping out of school. Of the eight percent (8%) allotment of funds designated for State education programs by Section 202(b)(1) of the Job Training Partnership Act (29 U.S.C. § 1602(b)(1)), the Department of Natural Resources and Community Development shall use funds adequate to maintain or increase the current level of services to prevent students from dropping out of the public schools. These funds shall be evenly distributed statewide to the extent permitted by federal law.

Sec. 30. (a) Of the funds appropriated to the Department of Public Education in Section 2 of this act for the 1985-86 fiscal year, the sum of seven million three hundred thirty-four thousand seven hundred sixty-five dollars ($7,334,765) may be used to provide local school administrative units with the funds for vocational education in grades 7 through 12 they would have received from the federal government for the 1985-86 fiscal year if the federal government had retained its 1984-85 allocation formula. These funds include the following:

(1) Line item 6310 — three million nine hundred eighty-five thousand forty-five dollars ($3,985,045) for the 1985-86 fiscal year;

(2) Line item 6301 — seven hundred fifty-six thousand dollars ($756,000) for the 1985-86 fiscal year; and

(3) Line item 6324 — two million five hundred seventy-three thousand eight hundred sixty dollars ($2,573,860) for the 1985-86 fiscal year.

In addition, the State Board of Education may allot the funds made available to it under the Job Training Partnership Act to local school administrative units, consistent with the provisions of the Job Training Partnership Act, to replace funds they would have received if the federal government had retained its 1984-85 allocation formula.

(b) This section shall not apply if the federal government grants the State's request for a transition year for the funding formula under the Carl D. Perkins Vocational Education Act, Pub. L. No. 98-524(1984).

——ALLOTMENT OF DROPOUT/EXTENDED DAY AND VOCATIONAL EDUCATION NONMATCHING EXPANSION FUNDS

Sec. 31. Funds appropriated in Section 2 of this act as part of the budget for vocational education in the category of Dropout/Extended Day Funds (Line item 6391) shall be combined with the category of nonmatching expansion funds (Line item 6311). These funds shall be allotted on the basis of average daily membership in grades 7 through 12.

——DISPOSITION OF SERVICES, PRODUCTS, AND PROPERTIES GENERATED THROUGH VOCATIONAL EDUCATION

Sec. 32. G.S. 115C-159 is amended by adding after the second sentence the following:

"Such services, products, and properties generated through these instructional activities are exempt from the requirements of G.S. 115C-518; the local board shall adopt rules for the disposition of these services, products, and properties."

——EXTEND EMPLOYMENT OF SCIENCE AND MATH TEACHERS

Sec. 33. The funds appropriated to the Department of Public Education in Section 2 of this act to employ 700 science and mathematics teachers in grades 9 through 12 for six weeks during the summer shall be expended only to employ science and mathematics teachers who are teaching summer school or who are engaged in classroom-related activities. The controller of the State Board shall verify that these funds are expended only for that purpose, and shall report to the Joint Legislative Commission on Governmental Operations; and to the Fiscal Research Division, no later than 30 days prior to the 1986 Session of the 1985 General Assembly on the number of these teachers who taught summer school, the length of time each taught, and the number who did not teach.

——SUBSTITUTE TEACHER PAY

Sec. 34. (a) To attract the best available substitute teachers, substitute teacher pay shall be increased by the same percentage that full-time teachers receive whenever legislative cost-of-living salary increases are funded.

(b) This section shall become effective July 1, 1986.

——SALARY SUPPLEMENTS NOT ELIGIBLE FOR LEGISLATIVE SALARY INCREASES

Sec. 35. Salary supplements based on advanced educational degrees and vocational teacher salary supplements for work beyond the normal school program shall be considered a flat amount salary add-on and are not eligible for any percentage legislative salary increase granted for teachers and State employees.

——ELIGIBILITY TO SERVE ON STATE BOARD OF EDUCATION

Sec. 36. (a) G.S. 115C-10 is amended by inserting between the first and second sentences the following:

"No public school employee paid from State or local funds or his spouse, and no employee of the Department of Public Instruction or his spouse, may serve as an appointive member of the State Board of Education."

(b) This section applies only to appointments either for a full term or to fill a vacancy made after the effective date of this act.

——AUTHORITY TO APPOINT PUBLIC INSTRUCTION STAFF

Sec. 37. G.S. 115C-21(a)(1) is amended by changing the period at the end of the first sentence to a colon and by deleting the second sentence and substituting the following:

"Provided, however, all appointments of administrative and supervisory personnel to the staff of the Department of Public Instruction shall be under the control and management of the Superintendent of Public Instruction."

——CERTIFIED SCHOOL PERSONNEL EVALUATION/RESEARCH AND PILOT PROGRAM

Sec. 38. The State Board of Education shall develop and implement a certified school personnel evaluation pilot program. In this program, certified school personnel shall be evaluated by outside evaluators. Teachers shall be evaluated using the Performance and Appraisal Instrument and Process System developed by the State Board of Education. The State Board of Education shall develop a separate Performance and Appraisal Instrument and Process to evaluate principals and assistant principals. Each employee shall be given the results of his evaluation and shall be encouraged to use the results to improve the way he does his job.

Nine local school administrative units shall be selected by the State Board to participate in the pilot program from units that volunteer to participate. Units that do not wish to participate shall not be compelled to do so. In three units, all of the principals and assistant principals shall be evaluated, in three units, all of the teachers shall be evaluated, and in three units, all of the principals, assistant principals, and teachers shall be evaluated. The evaluators shall be selected and trained by the State Board of Education.

Program planning shall take place from July 1, 1985, through June 30, 1986. Program implementation shall take place from July 1, 1986, through June 30, 1990.

The State Board shall report on the implementation of the pilot program by February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, the Fiscal Research Division, the chairmen of the Appropriations Base Budget, Appropriations Expansion Budget, Ways and Means, Appropriations Base Budget on Education, and Education Committees in the Senate, and the chairmen of the Appropriations Base Budget, Appropriations Expansion Budget, Appropriations Base Budget on Education, Appropriations Expansion Budget on Education and Education Committees in the House of Representatives. The report for the first year shall indicate which local school administrative units have volunteered and been selected to participate in the program, which employees will be evaluated in each of those units, and the projected cost of implementing the program in each of those units in ensuing years.

——SCHOOL CAREER DEVELOPMENT PILOT PROGRAM

Sec. 39. The funds appropriated to the Department of Public Education in Section 2 of this act to begin implementation of a career growth pilot program for teachers and administrators shall be provided for 16 pilot programs, two in each educational district, in 1985-86 and in 1986-87.

Sec. 40. Purpose and policy. The General Assembly finds that it is essential to attract and retain the best people in teaching and in school

administration. A system that is perceived to offer low wages, lifetime contracts, little real evaluation and no extra pay for outstanding performance cannot do that; therefore, it is the policy of the State of North Carolina to provide an adequate base salary for and to encourage differentiation of all teachers and school administrators.

In furtherance of this policy, the General Assembly hereby establishes a career development pilot program. This pilot program shall remain in operation through the 1988-89 school year so as to enable the State Board and the General Assembly to analyze all facets of a career development plan prior to statewide implementation. It is the intent of the General Assembly that this pilot program act as a means of developing a career ladder plan that could be implemented on a statewide basis in the future.

It is not the intent of the General Assembly that Sections 40 through 53 of this act be construed to prohibit or discourage a career development program for noncertificated employees of the public schools.

Sec. 41. Development and implementation of Plan by State Board. (a) The State Board of Education shall continue to develop, test, modify, and implement in a four-year pilot program, a Career Development Plan. The Plan shall cover instructional personnel, instructional support personnel, and administrators who require certification by the State Board as a condition of employment. The Plan implemented by the State Board shall be the plan submitted by the State Board to the General Assembly in compliance with Chapter 971 of the 1983 Session Laws (Regular Session 1984), modified only as necessary to conform with the provisions of this act. The Plan shall be implemented in the 16 local school administrative units selected by the State Board of Education in 1984-85.

(b) The State Board shall consult with local boards of various sizes throughout the State on a continuous and systematic basis on the continuing development, testing in pilot programs, modification and implementation of the Plan. The State Board shall also consult with any other public and private agencies, organizations, and professional associations it deems necessary.

(c) The State Board may adopt rules necessary to carry out the provisions of Sections 40 through 53 of this act.

Sec. 42. Elements of the Plan. (a) The Plan shall be designed to improve the quality of classroom instruction, to increase the attractiveness of teaching, and to encourage the recognition and retention of high quality teachers.

(b) The Plan shall be based on continuous, comprehensive evaluation of teacher performance as indicated by multiple sources of information. Classroom performance shall be a significant part of the evaluation process and evaluation shall be based on indicators associated with effective classroom practices and other criteria.

(c) The Plan shall, based on experience derived from pilot units, include at the appropriate time personnel policies that will result in an appropriate number of employees being placed in each level of differentiation in each local school administrative unit. This does not mean that there should be arbitrary caps or quotas. If, however, there is evidence that a local school administrative unit is improperly placing employees at each level or is improperly evaluating employees pursuant

to G.S. 115C-326, the State Board shall study the staffing pattern and the performance evaluations for that unit.

(d) The Plan shall specify a process for administration, periodic review, and evaluation. The criteria and procedures for advancement under the Plan shall be made public, and instruction shall be provided for teachers about these criteria and procedures prior to the implementation of the process.

(e) The Plan shall provide for a teacher to move to a lower level either by individual choice or based on unacceptable performance review. It shall contain an appeal process that provides prompt and impartial review.

(f) The Plan for instructional personnel and instructional support personnel shall be designed to give an employee increasing responsibility, recognition, and pay as the employee gains experience and professional ability. Levels of differentiation shall be based on an employee's initiative and desire to increase the employee's professional abilities and the individual's success in doing so. It shall provide for annual methods of evaluation using practicing educators, opportunities to correct deficiencies, and dismissal of employees who after ample opportunities cannot or will not perform.

(g) The Plan for administrators shall be designed to give each employee clear opportunities for advancement, recognition, and increased pay if the employee demonstrates high effectiveness as an instructional leader or school manager. Levels of differentiation shall be based on the employee's initiative and desire to increase the employee's professional abilities and the employee's success in doing so. The Plan for administrators shall include methods and instruments of evaluation that will determine what level of performance, effort, and ability and what accomplishments warrant different salary classifications, and at what point dismissal or reassignment of an administrator is warranted.

The Plan for administrators shall be the same as the Plan for instructional personnel and instructional support personnel except that the evaluation shall be the responsibility of the local superintendent or the superintendent's designee. However, trained evaluators shall assist the superintendent or the superintendent's designee with the evaluations. The salary differentiation steps for administrators shall track the salary differentiation steps for teachers as defined in this act.

Sec. 43. Levels of differentiation, salary, and evaluation requirements. (a) During the first and second years of employment, the employee shall be assigned "initial status" and shall be paid in accordance with the State base salary schedule. A mentor or a support team shall be assigned to the employee for assistance and professional development. The employee shall be formally evaluated at least twice each year by the principal or the principal's designee and at least twice each year by a trained evaluator.

(b) During the third year of employment, the employee who is fully certified shall be assigned "provisional status" and shall be paid on the State base salary schedule. The employee shall be formally evaluated at least twice by the principal or the principal's designee and at least twice by a trained evaluator.

If the employee has completed at least 30 hours of effective teacher training as provided in Section 47 of this act and if the employee's evaluations have been satisfactory, the principal shall recommend to the superintendent, and the superintendent shall review the evaluations and recommend to the board, the employee for reemployment in Career Status I at the end of the provisional year. If the employee has not completed the training or if the employee's evaluations have not been satisfactory, the principal shall recommend the employee for contract termination.

A "career teacher", as defined in G.S. 115C-325, not recommended for Career Status I may request a review by a three-member appeals panel chosen from a roster of trained evaluators. One member of the panel shall be chosen by the principal and approved by the superintendent, one shall be chosen by the employee, and one shall be chosen jointly by the principal and employee. The panel shall report its findings to the employing local board of education and the local board shall take final action on the matter.

(c) An employee shall have "Career Status I" if the employee was recommended for Career Status I as provided in subsection (b) of this section and the employee is reemployed by a local board of education. An employee in Career Status I is a "career teacher" as defined in G.S. 115C-325. The employee shall receive a salary of one step over the State base salary that would otherwise have applied to him. The employee shall be formally evaluated at least once a year by the principal or the principal's designee and may also be evaluated by a trained evaluator if the principal deems it appropriate and if a trained evaluator is available.

No earlier than the third year in Career Status I, an employee may apply for Career Status II. During the year the employee applies, the employee shall be evaluated at least twice by the principal and at least twice by a trained evaluator. The employee shall also prepare during that year and submit a portfolio that includes the employee's attendance records, indicators of professional growth, any unique assignments or leadership roles, valid certification, acceptable ratings on recent evaluations, additional duties and responsibilities and the time they required, the employee's relationship with the employee's peers and with parents, and the employee's years of experience. If the employee's evaluations have been well above standard or superior as defined in the performance appraisal system, the principal may, on the basis of the evaluations, the portfolio, and any interview, recommend to the superintendent, and the superintendent shall review the evaluation information and recommend to the local board, the employee for promotion to Career Status II. If the employee is not recommended for promotion to Career Status II, the employee shall remain in Career Status I.

An employee not recommended for Career Status II may request a review by a three-member appeals panel chosen from a roster of trained evaluators. One member of the panel shall be chosen by the principal and approved by the superintendent, one shall be chosen by the employee, and one shall be chosen jointly by the principal and employee. The panel shall report its findings to the employing local board of education and the local board shall take final action on the matter.

(d) An employee shall have "Career Status II" if the employee is recommended for promotion to Career Status II as provided in subsection (c) of this section and the employee is granted that status by the local board. The employee shall receive a salary of two steps over the State base salary that would otherwise have applied to him. The employee shall be formally evaluated at least once by the principal or the principal's designee during the year the employee is granted this status. Subsequently, the employee shall be formally evaluated once every two years by the principal or the principal's designee and may be evaluated more frequently, in the discretion of the principal.

A Career Status II employee whose evaluation indicates that the employee is not maintaining well above standard or superior performance shall be formally evaluated at least twice by the principal or the principal's designee and at least twice by a trained evaluator during the next year. If these additional evaluations indicate the employee is not maintaining well above standard or superior performance, the principal shall recommend that the employee be reclassified to Career Status I. If the employee is reclassified, the employee may receive only the salary appropriate for a teacher in Career Status I.

A Career Status II employee may move voluntarily to Career Status I. A Career Status II employee recommended for reclassification may request a review of the decision by a three-member appeals panel chosen from a roster of trained evaluators. One member of the panel shall be chosen by the principal and approved by the superintendent, one shall be chosen by the employee, and one shall be chosen jointly by the principal and employee. The panel shall report its findings to the employing local board of education and the local board shall take final action on the matter. An involuntary reclassification may not be considered a demotion for the purposes of G.S. 115C-325.

Sec. 44. Additional duties for Career Status II teachers. A Career Status II teacher may apply for additional responsibilities during the ten-month school year. Responsibilities for which the employee may apply and be selected shall be based on the needs of the local school administrative unit and may include being a mentor teacher, supervising student teachers, curriculum development, being a staff development leader/coordinator, and serving as department chairman or grade chairman. An employee shall receive an additional one-half percent of the employee's annual salary for each month during which the employee performs each additional responsibility.

A Career Status II teacher may also apply for employment during the summer in teaching, curriculum development, and staff development. The employee's salary and benefits during the summer shall be at the same rate as the employee's base salary during the previous ten-month school year.

Local units shall receive an allocation of summer months of employment for summer school teaching curriculum development, and staff development. The allocation shall be one month of employment for each ten State-allotted teachers.

Sec. 45. Evaluators. Between July 1, 1985, and July 1, 1986, the local board of education in each local unit shall select and train at least one

evaluator for each 96 employees to be evaluated. The State Board shall set standards for evaluators. The State Board shall also establish an appropriate training program for evaluators and administrators and assist each local unit in implementing the training program. These evaluators shall work with principals to carry out the provisions of this act.

Each evaluator shall be a practicing educator and shall be employed by the local board for which the evaluator is serving as an evaluator. Funds for evaluators shall be allotted by the State Board to pilot units on the basis of one month of employment for every eight teachers to be evaluated, with a minimum allotment of twelve months per unit. Evaluators shall be paid the same salary as supervisors on the State base salary schedule. The State Board shall adopt rules regarding the employment and use of evaluators.

Sec. 46. Local coordinator of career development. For the 1985-86 fiscal year, the State Board shall allot twelve months of professional staff time to each pilot local unit for a coordinator of career development. The coordinators' pay grade shall be set by the State Board within funds appropriated for this purpose.

Sec. 47. Effective teacher training. Each employee who elects to participate in the Plan shall participate in an effective teacher training program designed by the State Board. If an employee successfully completes the program, the employee shall receive a one-time stipend of five hundred dollars ($500.00). An employee who does not successfully complete the program may not receive any part of the stipend.

Sec. 48. Implementation of pilot programs. (a) Between July 1, 1985, and July 1, 1986, the sixteen local school administrative units shall prepare to implement their local career development plans. All of these local units shall use the State appraisal instrument and the evaluation process adopted by the State Board. In addition to using the State appraisal instrument and the evaluation process adopted by the State Board, they may also develop and implement an alternative evaluation program approved in advance by the State Board. The Charlotte-Mecklenburg School Administrative Unit may continue to implement the career development plan that it has already begun and shall receive a pro rata share of funds appropriated for implementation of pilot programs.

Implementation of the local plans shall begin July 1, 1986.

Sec. 49. Employees' option to participate in the Career Development Plan. An individual employed by a local board of education prior to the implementation in that local school administrative unit of a plan applicable to that employee may opt to participate in the Plan or to continue under the system of employment in effect prior to implementation of the Plan. If an employee opts to participate in the Plan, that employee may opt out of the Plan at any time: Provided, however, an employee may opt out of the Plan only once during the pilot.

A person employed by a local board of education after the implementation in that local school administrative unit of a plan applicable to him shall participate in the Plan and may not elect to be under a system of employment in effect prior to the time the person was employed.

Sec. 50. Report to the General Assembly. Beginning in 1986, the State Board shall report on February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, and the chairmen of the Appropriations Base Budget Committee, the Appropriations Expansion Budget Committee, the Appropriations Base Budget Committee on Education, and the Appropriations Expansion Budget Committee on Education of the Senate and the House of Representatives, and the Fiscal Research Division on the continuing development and the implementation of the Career Development Plan.

The report shall include the recommendation of each local unit regarding criteria for the establishment of Career Status III. Career Status III might provide for a salary two steps above what an employee would otherwise have received.

Sec. 51. Salary under the Plan. (a) During the 1985-86 school year, the stipend set out in Section 47 of this act for successful completion of effective teacher training is the only supplemental salary payment an employee may receive pursuant to the provisions of Sections 40 through 53 of this act.

(b) The State salary schedule applicable for the 1986-87 fiscal year to employees participating in the pilot programs established pursuant to Section 40 of this act is as follows:

STEP	*CAREER I*	*CAREER II*	*PRIOR YEARS SERVICE*
1	1879		3
2	1963		4
3	2054		5
4	2153	2366	6
5	2259	2484	7
6	2366	2604	8
7	2484	2732	9
8	2604	2863	12
9	2732	3002	15
10	2863	3143	18
11	3002	3301	21

The salary for Initial Status shall be one thousand five hundred sixty-eight dollars ($1,568). The salary for Provisional Status shall be one thousand seven hundred fifteen dollars ($1,715). In addition, each employee shall be eligible to receive the statewide allowance for masters' degrees, advanced certificates, and earned doctorates, as appropriate.

This salary schedule shall be modified to incorporate any modification in the State base salary schedule and any salary increments adopted by the General Assembly.

(c) If the pilot programs established pursuant to the provisions of Section 40 of this act are discontinued, any employee who has received a salary increment pursuant to the Career Development Plan shall continue to be paid the salary increment; however, the employee shall not receive any additional State annual increments, cost-of-living increments, or other salary increments unless the employee's salary would otherwise be less than the salary applicable to him on the State base salary schedule.

(d) If an employee opts out of the Career Development Plan, the employee's salary shall be the salary applicable to him on the State base salary schedule.

Sec. 52. G.S. 115C-326.1 is repealed.

Sec. 53. Section 4 of Chapter 971 of the 1984 Session Laws (Regular Session, 1984) is repealed.

——REEXAMINE NEW COMPETENCY-BASED CURRICULUM

Sec. 54. The State Board of Education shall reexamine the *New Competency-Based Curriculum* developed by the Department of Public Instruction to ensure that the instructional program, defined in that document, gives emphasis to American and family values.

——BASIC EDUCATION PROGRAM

Sec. 55. (a) Funds are appropriated in Section 2 of this act to implement a Basic Education Program. The following information chart shows estimated major increases in State funds over the 1984-85 fiscal year.

1985-86

Description	*Continuation*	*Expansion*	*Total*
(1) Finance Officers	$ -	$ 1,597,292 (100 x .5)	$ 1,597,292 (50)
(2) Transportation Workers			
a. Bus Drivers	125,000 (50)	-	125,000 (50)
b. Mechanics	70,759 (4)	-	70,759 (4)
(3) Teachers	-	32,936,773 (1,357)	32,936,773 (1,357)
(4) Instructional Aides	1,658,744 (175)	-	1,658,744 (175)
(5) Counselors	-	13,715,256 (534)	13,715,256 (534)
(6) Instructional Support	-	-	
(7) Assistant Principals	3,304,613 (116)	1,562,055 (55)	4,866,668 (171)
(8) Handicapped	1,031,556	329,243	1,360,799
(9) Prior Year Funding as an option	-	5,940,384 (291)	5,940,384 (291)
(10) Average Daily Membership Contingency Fund	-	2,000,000	2,000,000
(11) Summer school	-	5,250,000	5,250,000

Description	*Continuation*	*Expansion*	*Total*
(12) Professional Development	-	3,100,000	3,100,000
a. Finance Officers		(100,000)	
b. Computer Training		(1,000,000)	
c. Certified Personnel		(2,000,000)	
d. Center for the Advancement of Teaching at Western Carolina Univ.		(-0-)	
(13) Textbooks	15,252,795	-	15,252,795
(14) a. Equipment Vocational	-	2,573,860	2,573,860
b. Equipment Math/Science	-	5,237,464	5,237,464
c. Equipment Computers	-	12,512,210	12,512,210
TOTAL	$ 21,443,467	$ 86,754,537	$108,198,004
Positions	(345)	(2,287)	(2,632)

1986-87

Description	*Continuation*	*Expansion*	*Total*
(1) Finance Officers	$ -	$ 3,194,583	$ 3,194,583
		(100)	(100)
(2) Transportation Workers			
a. Bus Drivers	250,000	-	250,000
	(100)		(100)
b. Mechanics	137,879	-	137,879
	(8)		(8)
(3) Teachers	-	31,691,794	31,691,794
		(1,305)	(1,305)
(4) Instructional Aides	2,152,714	-	2,152,714
	(230)		(230)
(5) Counselors	-	18,152,811	18,152,811
		(706.5)	(706.5)
(6) Instructional Support	-	5,138,800	5,138,800
		(200)	(200)
(7) Assistant Principals	3,305,983	1,477,476	4,783,459
	(116)	(52)	(168)
(8) Handicapped	1,031,556	847,111	1,878,667
(9) Prior Year Funding as an option	-	6,412,809	6,412,809
		(314)	(314)

Description	*Continuation*	*Expansion*	*Total*
(10) Average Daily Membership Contingency Fund	-	2,000,000	2,000,000
(11) Summer school	-	10,500,000	10,500,000
(12) Professional Development	-	5,345,000	5,345,000
a. Finance Officers		(100,000)	
b. Computer Training		(1,000,000)	
c. Certified Personnel		(2,000,000)	
d. Center for the Advancement of Teaching at Western Carolina Univ.		(2,245,000)	
(13) Textbooks	-	6,579,740	6,579,740
(14) a. Equipment Vocational	-	2,544,195	2,544,195
b. Equipment Math/Science	-	5,197,668	5,197,668
c. Equipment Computers	-	8,610,980	8,610,980
TOTAL	$ 6,878,132	$107,692,967	$114,571,099
Positions	(454)	(2,677.5)	(3,131.5)

(b) Implementation.—The State Board shall implement the Basic Education Program within funds appropriated for the school years 1985-86 and 1986-87 as herein provided.

Local boards of education shall implement the Basic Education Program in 1985-87 with the following provisions:

(1) Finance Officer.—a. On January 1, 1986, the public schools will begin implementation of the central payroll system. This implementation may place an additional administrative burden on the local school administrative units; therefore, of the funds appropriated in Section 2 of this act to the Department of Public Education, the sum of one million five hundred ninety-seven thousand two hundred ninety-two dollars ($1,597,292) for the 1985-86 fiscal year and the sum of three million one hundred ninety-four thousand five hundred eighty-three dollars ($3,194,583) for the 1986-87 fiscal year shall be used to provide a school finance officer for each county in the State, beginning January 1, 1986. If a county contains more than one local school administrative unit, the funds allotted for a school finance officer in that county shall be determined on the basis of the total average daily membership in the county. The allotment shall be prorated on the basis of average daily membership to each school unit within a county; provided, that these funds may be combined in a manner agreed upon by all units in the county as the most effective use.

b. Between January 1, 1986, and July 1, 1986, the State Board shall allot funds for a school finance officer at one-half the annual rate of the

following salary schedule, which is based on the total average daily membership for each county:

ADM Range	*Salary*	*Number of Counties in ADM Range*
0-999	$15,000	2
1,000-4,999	20,000	37
5,000-9,999	25,000	23
10,000-14,999	30,000	15
15,000-19,999	35,000	12
20,000 and up	40,000	11
		100

c. Beginning July 1, 1986, each school finance officer who is paid with State funds shall meet standards hereinafter adopted by the State Board of Education.

d. The State Board of Education shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by April 1, 1986, on the school finance officers' current and proposed salary schedules, recommended qualifications, and proposed implementation in the school units.

(2) Transportation Workers.—a. Funds are appropriated to the Department of Public Education in Section 2 of this act to add 50 school bus drivers in 1985-86 and another 50 in 1986-87. These funds shall be allocated to county school administrative units based on the addition of authorized buses due to growth as determined by State Board of Education policy.

b. Funds are appropriated to the Department of Public Education in Section 2 of this act to add four mechanics each year of the fiscal biennium 1985-87 based on the number of buses and miles traveled, as provided in the State Board of Education's formula.

(3) Teachers.—a. Of the funds appropriated to the Department of Public Education in Section 2 of this act, the sum of thirty-two million nine hundred thirty-six thousand seven hundred seventy-three dollars ($32,936,773) for fiscal year 1985-86 and the sum of thirty-one million six hundred ninety-one thousand seven hundred ninety-four dollars ($31,691,794) for fiscal year 1986-87 shall be used to reduce class size to a unit-wide ratio of one teacher for every 26 students in average daily membership in grades 7 and 8 and one teacher for every 27 students in grade 9. To the extent that projections of average daily membership and average salaries exceed actual requirements, the State Board of Education may expend funds to reduce the ratio of one teacher for every 27 students in grade 9 to one teacher for every 26 students.

b. G.S. 115C-301(d) is rewritten to read:

"(d) Local boards of education shall maintain unit-wide average class sizes no higher than the average allotment ratio of teachers to students in each grade span funded by the General Assembly for each school year. At no time may the General Assembly appropriate funds for higher unit-wide class averages than those for which State funds were provided during the 1984-85 school year. No single class may have more than three

students more than the unit-wide average class size applicable to that grade level; however, the State Board of Education may set alternate class sizes in selected areas such as typewriting, music, and physical education so long as the effectiveness of the instructional program in these areas is not impaired. The maximum equivalent daily student load for teachers in grades 7 through 12 is 150.

The State Board may not permit temporary waivers from the unit-wide average class sizes, the maximum class sizes for each class, and the maximum daily loads for teachers set out in this section except under exceptional circumstances, where there are large fluctuations in student population and the situation cannot be handled within funds appropriated to accommodate changes in average daily membership. The situation requiring the waiver should be alleviated within 60 days. All waivers permitted under this paragraph shall be reported to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by June 1 of each year.

The State Board shall adopt rules to implement this subsection."

c. Subdivision (3) of this subsection applies to all school years beginning with the 1985-86 school year.

(4) Instructional Aides.—Of the funds appropriated to the Department of Public Education in Section 2 of this act, funds shall be allocated for 12,607 instructional aides for kindergarten through grade 3 for the 1985-86 fiscal year and 12,662 instructional aides for kindergarten through grade 3 for the 1986-87 fiscal year to local school administrative units to meet a ratio of one aide for 26 pupils in average daily membership. To assure that there will be an aide in every class with a State-allotted teacher in kindergarten through grade 3 classes, additional funds for up to 60 more aides each year may be allotted from the average daily membership contingency fund, if required.

(5) Counselors.—Funds in the amount of thirteen million seven hundred fifteen thousand two hundred fifty-six dollars ($13,715,256) for the 1985-86 fiscal year and thirteen million seven hundred twenty thousand five hundred ninety-six dollars ($13,720,596) for the 1986-87 fiscal year are appropriated to the Department of Public Education in Section 2 of this act for dropout prevention in high schools, middle schools, and junior high schools. These funds shall be distributed to the local school administrative units with a minimum funding level equivalent to the cost of one full-time counselor position to each local unit for the 10-month school term; the remainder shall be allotted on average daily membership. Within funds available, these funds shall be used to provide an in-school suspension teacher to high schools, middle schools, and junior high schools; remaining funds shall be used to provide high schools, middle schools, and junior high schools with a teacher or counselor to identify students likely to drop out and to provide special alternative instructional programs for these high risk students. These funds may not be used to supplant dropout prevention programs funded from other State or federal sources other than the Job Training Partnership Act.

(6) Instructional Support.—Of funds appropriated in Section 2 of this act to the Department of Public Education, the sum of five million one hundred thirty-eight thousand eight hundred dollars ($5,138,800) for fiscal

year 1986-87 shall be allocated by the State Board of Education to local school administrative units on the basis of average daily membership for instructional support personnel.

(7) Assistant Principals.—Funds are appropriated to the Department of Public Education in Section 2 of this act to provide positions for 171 additional assistant principals for fiscal year 1985-86 and to continue 168 of those additional assistant principals for fiscal year 1986-87. Within funds available, the State Board of Education shall allot positions on a formula based on the number of full-time State-allotted teachers assigned to individual schools: one assistant principal for 25 to 49 teachers; two positions for 50 to 74 teachers; three positions for 75 to 99 teachers; and four for 100 or more teachers.

(8) Handicapped.—Of the funds appropriated to the Department of Public Education in Section 2 of this act, the sum of three hundred twenty-nine thousand two hundred forty-three dollars ($329,243) for fiscal year 1985-86 and eight hundred forty-seven thousand one hundred eleven dollars ($847,111) for fiscal year 1986-87 in expansion funds shall be used to serve additional handicapped pupils, as determined by the State Board of Education in the following areas:

	1985-86	*1986-87*
Exceptional Children	$ 89,148	$112,404
Developmental Day Care	0	17,432
Willie M.	206,000	478,610
Community Residential Centers	34,095	238,665
	$329,243	$847,111

(9) Prior Year Funding as an Option.—Of the funds appropriated in Section 2 of this act to the Department of Public Education, the sum of five million nine hundred forty thousand three hundred eighty-four dollars ($5,940,384) in fiscal year 1985-86 and six million four hundred twelve thousand eight hundred nine dollars ($6,412,809) in fiscal year 1986-87 is for the additional cost of funding school units on the basis of either prior year average daily membership or projected average daily membership to lessen the fiscal impact on school units that are either increasing or decreasing membership. Under policies developed by the State Board of Education, allotments of funds and positions will be made to school units to reflect the higher of the projected average daily membership or the prior year average daily membership.

(10) Average Daily Membership Contingency Fund.—Of the funds appropriated to the Department of Public Education in Section 2 of this act, two million dollars ($2,000,000) each year of the fiscal biennium is appropriated in a reserve for adjustments to the teacher allotment for class size adjustments and allotments for up to 60 instructional aides each year in kindergarten through grade 3 to meet legislated class size requirements.

(11) Summer School.—Funds in the amount of five million two hundred fifty thousand dollars ($5,250,000) in 1985-86 and ten million five hundred thousand dollars ($10,500,000) in 1986-87 are appropriated in Section 2 of this act to the Department of Public Education to provide intensive remedial summer school programs and related transportation in

the local school administrative units. It is the intent of the General Assembly that, where practical, the local school administrative units cooperate to provide joint summer school programs in an efficient and effective manner. The State Board of Education shall adopt rules for the allotment and use of summer remediation funds on an equitable basis based on the number of pupils who score at or below the 25th percentile on the annual tests in grades 3, 6, and 8. To the extent that remaining funds permit, pupils who fail promotion standards as described in the basic education program in grades 3, 6, and 8 may be served. In order to allow local boards of education to plan their remedial summer programs effectively, funds appropriated pursuant to this subdivision may be carried over to the succeeding fiscal year.

(12) Professional Development.—a. Each local school administrative unit shall develop and submit to the State Board of Education an overall plan and a budget for the use of funds at the local level for professional staff development. The State Board shall report to the Fiscal Research Division by April 1 of each year on the local plans. The budget shall specify the source and projected use of all funds for professional staff development.

b. Of the expansion funds appropriated to the Department of Public Education in Section 2 of this act, the sum of three million one hundred thousand dollars ($3,100,000) for fiscal year 1985-86 and five million three hundred forty-five thousand dollars ($5,345,000) for fiscal year 1986-87 shall be used for the following professional development purposes within rules established by the State Board of Education:

	1985-86	*1986-87*
(1) Finance officers	$ 100,000	$ 100,000
(2) Computer training for certified personnel	1,000,000	1,000,000
(3) Certified personnel	2,000,000	2,000,000
(4) Center for the Advancement of Teaching at Western Carolina University (teacher travel, subsistence and substitute pay)	-0-	2,245,000

(13) Textbooks.—a. Of the funds appropriated to the Department of Public Education in Section 2 of this act, the elementary textbook funds shall be used to provide for the State Board of Education's scheduled textbook adoptions in grades 1 through 8 in the 1985-86 fiscal year.

In the 1986-87 fiscal year, the State Board of Education shall allocate textbook funds equitably to local school administrative units on the basis of twenty dollars ($20.00) per pupil in average daily membership in grades 1 through 12.

b. The State Board of Education is urged to include basic textbook selections for handicapped children for each subject in each grade for handicapped children in the regular textbook adoption procedures.

In addition, local boards of education, notwithstanding existing laws and rules, may purchase textbooks in an amount not to exceed the amount of textbook funds generated by the handicapped children served by the administrative unit.

c. Funds appropriated to the Department of Public Education for the purchase of textbooks shall be permanent appropriations. Unobligated portions of these appropriations may revert to the General Fund at the direction of the Director of the Budget if he considers it necessary in order to maintain a balanced budget within any one fiscal year.

(14) Equipment.—a. Of the funds appropriated to the Department of Public Education in Section 2 of this act, the sum of two million five hundred seventy-three thousand eight hundred sixty dollars ($2,573,860) for the 1985-86 fiscal year and two million five hundred forty-four thousand one hundred ninety-five dollars ($2,544,195) for the fiscal year 1986-87 are allocated for vocational education equipment. These funds shall be allocated on an equitable basis of five dollars ($5.00) per pupil in average daily membership in grades 7 through 12.

b. Of the funds appropriated to the Department of Public Education in Section 2 of this act, the sum of five million two hundred thirty-seven thousand four hundred sixty-four dollars ($5,237,464) for the 1985-86 fiscal year and the sum of five million one hundred ninety-seven thousand six hundred sixty-eight dollars ($5,197,668) for the 1986-87 fiscal year are allocated for science and mathematics materials and equipment for kindergarten through grade 12. These funds shall be allocated on an equitable basis per pupil statewide in average daily membership to the extent funds are sufficient to do so, as follows: mathematics and science in kindergarten through grade 6, two dollars ($2.00); mathematics, grades 7 through 12, two dollars and fifty cents ($2.50); science, grades 7 through 8, four dollars and fifty cents ($4.50); and science in grades 9 through 12, six dollars ($6.00).

c. Of the funds appropriated to the Department of Public Education in Section 2 of this act, the sum of twelve million five hundred twelve thousand two hundred ten dollars ($12,512,210) for fiscal year 1985-86 and the sum of eight million six hundred ten thousand nine hundred eighty dollars ($8,610,980) for fiscal year 1986-87 shall be used to provide computers, computer maintenance costs, and related supplies and courseware to the local schools. Funds shall be allocated on the basis of average daily membership for grades 4 through 12 in 1985-86 and for grades kindergarten through 3 in 1986-87.

(c) Statute Amendments.—(1) G.S. 115C-81(a) through (d) are rewritten to read:

"§ 115C-81. *Basic Education Program.*—(a) The State Board of Education shall adopt a Basic Education Program for the public schools of the State. Before it adopts or revises the Basic Education Program, the State Board shall consult with an Advisory Committee, including at least eight members of local boards of education, that the State Board appoints from a list of nominees submitted by the North Carolina School Boards Association. The State Board shall report annually to the General Assembly on any changes it has made in the program in the preceding 12 months and any changes it is considering for the next 12 months.

The State Board shall implement the Basic Education Program within funds appropriated for that purpose by the General Assembly and by units of local government. It is the goal of the General Assembly that the Basic

Education Program be fully funded and completely operational in each local school administrative unit by July 1, 1993.

(a1) The Basic Education Program shall describe the education program to be offered to every child in the public schools. It shall provide every student in the State equal access to a Basic Education Program. Instruction shall be offered in the areas of arts, communication skills, physical education and personal health and safety, mathematics, media and computer skills, science, second languages, social studies, and vocational education.

(b) The Basic Education Program shall include course requirements and descriptions similar in format to materials previously contained in the standard course of study and it shall provide:

(1) A core curriculum for all students that takes into account the special needs of children and includes appropriate modifications for the learning disabled, the academically gifted, and the students with discipline and emotional problems;
(2) A set of competencies, by grade level, for each curriculum area;
(3) A list of textbooks for use in providing the curriculum;
(4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation;
(5) A program of remedial education;
(6) Required support programs;
(7) A definition of the instructional day;
(8) Class size recommendations and requirements;
(9) Prescribed staffing allotment ratios;
(10) Material and equipment allotment ratios;
(11) Facilities standards; and
(12) Any other information the Board considers appropriate and necessary.

(c) Local boards of education shall provide for the efficient teaching at appropriate grade levels of all materials set forth in the standard course of study, including integrated instruction in the areas of citizenship in the United States of America, government of the State of North Carolina, government of the United States, fire prevention, the free enterprise system, and the dangers of harmful or illegal drugs, including alcohol.

Local boards of education shall require all teachers and principals to conduct classes except foreign language classes in English. Any teacher or principal who refuses to do so may be dismissed.

(d) The standard course of study as it exists on January 1, 1985, and as subsequently revised by the State Board, shall remain in effect until its components have been fully incorporated and implemented as a part of the Basic Education."

(2) Effective when the components of the standard course of study have been fully incorporated and implemented as a part of the Basic Education Program, G.S. 115C-81(c), as amended by subdivision (1) of this subsection of this act, is further amended by deleting the phrase "standard course of study" and substituting "Basic Education Program".

(3) G.S. 115C-12(9)c. is rewritten to read:

"c. To adopt rules requiring all local boards of education to implement the Basic Education Program on an incremental basis within funds appropriated for that purpose by the General Assembly and by units of local government.

The Board shall develop a State accreditation program that meets or exceeds the standards and requirements of the Basic Education Program. The Board shall require each local school administrative unit to comply with the State accreditation program to the extent that funds have been made available to the local school administrative unit for implementation of the Basic Education Program.

The Board shall use the State accreditation program to monitor the implementation of the Basic Education Program."

(4) G.S. 115C-47(12) is rewritten to read:

"(12) To implement the basic Education Program. Local boards of education shall implement the Basic Education Program in accordance with rules adopted by the State Board. This implementation shall include provision for the efficient teaching of the course content required by the standard course of study."

(5) Deviation from the Basic Education Program. The State Board may permit local pilot programs on an annual basis to deviate from the Basic Education Program in order to encourage improvement through innovation. These local deviations and the purposes for each shall be described in the annual report required pursuant to G.S. 115C-81 before piloting begins. The achievement of purposes for each pilot program with recommendations shall also be reported. These local deviations shall be described in the annual report required pursuant to G.S. 115C-81 with accompanying rationale and recommendations.

(6) Effective when the components of the standard course of study have been fully incorporated and implemented as a part of the Basic Education Program, G.S. 115C-47(12), as amended by subdivision (4) of this subsection, is further amended by deleting the phrase "standard course of study" and substituting "Basic Education Program".

(7) The staffing allotment ratios and an implementation schedule shall be defined and described in the Current Operations Appropriations Act each year hereafter that money is appropriated for implementation of any portion of the Basic Education Plan.

(8) Nothing in this subsection creates any rights except to the extent that funds are appropriated by the State and the units of local government to implement the provisions of this subsection and the Basic Education Program.

(9) This subsection shall apply to all school years beginning with the 1985-86 school year.

PART VII.——COMMUNITY COLLEGES

——CURRICULUM ENROLLMENT RESERVE

Sec. 56. (a) Of the funds appropriated in Section 2 of this act to the Department of Community Colleges, four million nine hundred seventy

thousand eight hundred sixty-five dollars ($4,970,865) shall be placed into an enrollment reserve for curriculum programs. These funds shall be allocated to the local institutions at the beginning of the 1985-86 fiscal year in accordance with the budget formula in effect for the 1984-85 fiscal year. Any institution, except for Pamlico Technical College, whose curriculum enrollment, based on projections made by the Department of Community Colleges after the fall quarter, is projected to decline more than three percent (3%) of budgeted curriculum enrollment, shall return to the Department of Community Colleges within 30 days of the fall quarter reporting period the funds for any projected decline in excess of three percent (3%).

Institutions whose curriculum enrollments, based on projections made by the Department of Community Colleges after the fall quarter, exceed by three percent (3%) the budgeted curriculum enrollments shall receive additional allocations to fund projected increased curriculum enrollments, insofar as funds are available within the enrollment reserve.

Funds in the enrollment reserve shall be spent only for the purposes permitted in this section. All funds remaining in the enrollment reserve at the end of the 1985-86 fiscal year shall revert to the General Fund.

(b) This section is effective only for the 1985-86 fiscal year.

——FORMULA FOR DISTRIBUTION OF FUNDS

Sec. 57. Effective July 1, 1986, the formula for distribution of funds for curriculum and extension programs by the State Board of Community Colleges for the operating budgets of the institutions of the Community College System may set no minimum number of full-time equivalent students for which funding shall be granted and may in no case protect the level of funding of an institution that experienced a decline in full-time equivalent students.

Sec. 58. The State Board of Community Colleges shall modify its formula for distribution of funds for the operating budgets of the institutions of the Community College System so that the amount allocated for instructional salaries and fringe benefits is decreased by ten million five hundred thousand six hundred fifty dollars ($10,500,650) for the 1985-86 fiscal year and ten million two hundred eighteen thousand nine hundred dollars ($10,218,900) for the 1986-87 fiscal year and the amount allocated for other nonsalary cost items is increased by corresponding amounts. The institutions may spend funds allocated for salaries and fringe benefits only for salaries and fringe benefits and may spend funds allocated for other nonsalary cost items only for other nonsalary cost items.

The State Board of Community Colleges may approve, under emergency circumstances on a case by case basis, a transfer of funds between salary and fringe benefits and other nonsalary cost items. If such a transfer is approved, the State Board of Community Colleges shall report the reasons for its approval to the Joint Legislative Commission on Governmental Operations, the chairmen of the Appropriations Base and Expansion Budget Committees of the Senate and the House of Representatives, and the Fiscal Research Division within 30 days of approval.

——FULL-TIME EQUIVALENT TEACHING POSITIONS/COMMUNITY COLLEGES

Sec. 59. For the purpose of determining the Community College system-wide number of full-time equivalent (FTE) teaching positions each year, the total curriculum and extension full-time equivalent student enrollment shall be divided by 22.

——OPERATING APPROPRIATIONS/NOT USED FOR RECREATION EXTENSION

Sec. 60. Funds appropriated in Section 2 of this act to the Department of Community Colleges as operating expenses for allocation to the institutions comprising the Community College System may not be used to support recreation extension courses. The financing of these courses by any institution shall be on a self-supporting basis, and membership hours produced from these activities may not be counted when computing full-time equivalent students for use in budget-funding formulas at the State level.

——ASSISTANCE TO HOSPITAL NURSING/FUND DISTRIBUTION

Sec. 61. Funds appropriated in Section 2 of this act to the Department of Community Colleges to provide financial assistance to hospital programs of nursing education leading to diplomas in nursing that are fully accredited by the North Carolina Board of Nursing and operated under the authority of a public or nonprofit hospital licensed by the North Carolina Medical Care Commission shall be distributed, upon application for financial assistance, on the basis of eight hundred fifty dollars ($850.00) for each full-time student duly enrolled in the program as of December 1 of the preceding year and on condition that accreditation is maintained. The State Board of Community Colleges shall adopt rules to ensure that this financial assistance is used directly for faculty and instructional needs of diploma nursing programs.

——BOOKS AND EQUIPMENT APPROPRIATIONS/REVERT AFTER ONE YEAR

Sec. 62. Appropriations to the Department of Community Colleges for equipment and library books are made for each year of the fiscal biennium. All unencumbered appropriations shall revert to the General Fund 12 months after the close of each fiscal year for which they were appropriated. Encumbered balances outstanding at the end of each period shall be handled in accordance with existing State budget policies.

——JOB TRAINING PARTNERSHIP ACT FUNDS

Sec. 63. Student class hours for class size projects funded by Title II of the Job Training Partnership Act (JTPA) during the 1985-86 fiscal year may not be included in the full-time equivalent (FTE) formula for the 1986-87 fiscal year. Administrative funds for operating these class size projects shall be allocated on the same basis as all other administrative formula funds.

——EQUIPMENT FUNDS

Sec. 64. The formula by which the State Board of Community Colleges allocates equipment funds to the community colleges and technical institutes may not consider equipment or capital funds allocated to an institution in the current Operations Appropriations Act or a prior Budget Appropriation Act, or equipment or capital funds appropriated to a single institution in a special appropriation act for the current fiscal year or a prior fiscal year.

Sec. 65. Except as required by the provisions of this act, the State Board of Community Colleges may not modify the formula by which it allocates equipment funds to the community colleges and technical institutes before July 1, 1987.

——COMMUNITY COLLEGE STUDY

Sec. 66. (a) The State Board of Community Colleges shall have an outside, independent study conducted to determine the following:

(1) Proper staffing patterns for institutions within the Community College System with special emphasis on the implication for base and enrollment formula allotments;
(2) An analysis of methods of calculating the number of students with an emphasis on the most appropriate census date for collecting enrollment data and the use of traditional academic quarters for determining curriculum enrollment;
(3) The impact the shift to more part-time students has had on the need for Administrative and Instructional Support Personnel;
(4) Whether the current system's governance, administration and programs are effective in fulfilling the system's mission;
(5) Whether the system's mission and its effectiveness in fulfilling its mission is best served by permitting technical colleges to convert to community colleges; and
(6) Whether tuition for college transfer courses should be comparable to tuition charged by the constituent institutions of The University of North Carolina.

The State Board of Community Colleges shall report the findings of this study to the chairmen of the Appropriations Base and Expansion Budget Committees of the Senate and the House of Representatives and to the Fiscal Research Division, 30 days prior to the convening of the Regular 1986 Session of the 1985 General Assembly.

(b) The State Board of Community Colleges shall use up to one hundred thousand dollars ($100,000) of the funds appropriated to it for a reserve by Section 2 of this act for this study.

——TUITION WAIVER FOR CERTAIN STUDENTS

Sec. 67. The third sentence of G.S. 115D-5(b) is amended by adding before the language "and prison inmates" the language "students in Human Resources Development Programs, juveniles of any age committed to the Division of Youth Services of the Department of Human Resources by a court of competent jurisdiction,".

——ATTENDANCE/TRAINING SCHOOL STUDENT

Sec. 68. The second sentence of G.S. 115D-1 is amended by adding immediately before the period the following language:

", provided, juveniles of any age committed to the Division of Youth Services of the Department of Human Resources by a court of competent jurisdiction may, if approved by the director of the training school to which they are assigned, take courses offered by institutions of the system if they are otherwise qualified for admission".

PART VIII.——UNIVERSITIES

——MILITARY AND MILITARY DEPENDENT TUITION

Sec. 69. (a) G.S. 116-143.3(b) is rewritten to read:

"(b) Any member of the armed services qualifying for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the out-of-State tuition rate, provided, that the out-of-State tuition shall be forgiven to the extent that the out-of-State tuition rate exceeds the sum of the in-State tuition rate plus any amounts payable to the institution or the service member from the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty."

(b) G.S. 116-143.3(c) is amended by inserting between the word "services" and the word "as" the phrase "who is abiding in this State incident to active military duty,"; and is further amended by deleting the phrase "shall be accorded the benefit available to that member pursuant to subsection (b) above" and by substituting the phrase "shall be eligible to be charged the in-State tuition rate".

(c) G.S. 116-143.3(e) is amended by deleting the phrase "receiving the in-State tuition benefit" and by substituting the phrase "charged less than the out-of-State tuition rate".

(d) This section shall apply to tuition charges beginning with the 1985-86 academic year.

——GRADUATE CENTERS/TUITION AND FEES

Sec. 70. The Board of Governors of The University of North Carolina shall use funds provided in Section 2 of this act to ensure that tuition and fees charged for courses offered in graduate degree programs through graduate center arrangements are no greater than the tuition and fees that would be charged if the courses were taken on the campus of the institution providing the instruction.

——OFF-CAMPUS DEGREE PROGRAM REPORT

Sec. 71. The Department of Community Colleges and The University of North Carolina shall report no later than one week prior to the convening of the 1986 and 1987 Sessions of the General Assembly, to the chairmen of the Appropriations Base and Expansion Budget Committees in the Senate and the House of Representatives, and to the Fiscal Research Division, on their respective procedures for the establishment of off-campus undergraduate degree programs, as well as information on the programs offered at each site, number of students involved, and the locations of the programs. For the purposes of these reports, degree

programs offered by one institution on the campus of another institution in the same system may not be considered off-campus degree programs.

——TEACHER PREPARATION PROGRAM STUDY

Sec. 72. It is essential to maintain the highest quality teacher education programs in order to enhance the competence of professional school personnel certified in North Carolina. Colleges of education have the responsibility to lead the State toward effective reform in teacher education; therefore, the Board of Governors of The University of North Carolina is directed to study:

(1) Ways to upgrade teacher preparation programs to make the course of study more rigorous and more effective;
(2) Standards for institution-based innovative and experimental programs;
(3) Standards for implementing consortium based teacher education;
(4) Standards for improved efficiencies in the administration of teacher education programs; and
(5) Areas of potential teacher shortage and oversupply in the next 10 years.

The Board of Governors of The University of North Carolina shall form a task force by August 1, 1985, comprised of representatives of the State Board of Education, the Board of Governors, the Deans of the Schools of Education, the chancellors of the universities, private colleges, local school administrations, and public school teachers.

The President of the Senate and the Speaker of the House of Representatives shall each appoint one representative from the Appropriations or Education Committees to the task force by August 1, 1985.

The Board of Governors shall make a status report on its findings to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by May 1, 1986, and a final report to the 1987 Session of the General Assembly by January 15, 1987.

The recommendations in the final report shall include a proposed plan for phasing in the implementation of the Teacher Preparation Program over three fiscal bienniums.

This study shall be conducted within funds available to the Board of Governors.

——SCHOOL OF THE ARTS/PROPORTION OF IN-STATE STUDENTS.

Sec. 73. The Board of Governors of The University of North Carolina shall raise the proportion of in-State students at the North Carolina School of the Arts to fifty percent (50%) by the fall of 1987. The Board of Governors shall send brochures on the school to every high school in the State for distribution to all high school students in the State.

——NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING

Sec. 74. The sums of five hundred thousand dollars ($500,000) in fiscal year 1985-86 and two million dollars ($2,000,000) in fiscal year 1986-87 that are appropriated to the Board of Governors of The University

of North Carolina in Section 2 of the 1985-87 Current Operations Appropriations Act shall be used to establish the North Carolina Center for the Advancement of Teaching at Western Carolina University in Jackson County. The Center shall operate under the general auspices of The University of North Carolina Board of Governors. It shall be the function of the North Carolina Center for the Advancement of Teaching (hereinafter called "NCCAT"), through itself or agencies with which it may contract, to provide career teachers with opportunities to study advanced topics in the sciences, arts, and humanities and to engage in informed discourse, assisted by able mentors and outstanding leaders from all walks of life; and otherwise to offer opportunity for teachers to engage in scholarly pursuits, through a center dedicated exclusively to the advancement of teaching as an art and as a profession.

The Board of Governors of The University of North Carolina shall establish the North Carolina Center for the Advancement of Teaching Board of Trustees and shall delegate to the Board of Trustees all the powers and duties the Board of Governors considers necessary or appropriate for the effective discharge of the functions of NCCAT.

(a) The NCCAT Board of Trustees shall be composed of the following membership:

(1) Three ex officio members: the President of The University of North Carolina, the State Superintendent of Public Instruction, and the Chancellor of Western Carolina University;

(2) Two members appointed by the General Assembly upon the recommendation of the President of the Senate;

(3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives; and

(4) Eight members appointed by the Board of Governors, one from each of the eight educational regions.

The appointing authorities shall give consideration to assuring, through Board membership, the statewide mission of NCCAT.

(b) Members of the NCCAT Board of Trustees shall serve four-year terms. Members may serve two consecutive four-year terms. The Board shall elect a new chairman every two years from its membership. The Chairman may serve two consecutive two-year terms as chairman.

The chief administrative officer of NCCAT shall be a director, who shall be appointed by the NCCAT Board of Trustees.

——AGRICULTURAL PROGRAMS

Sec. 75. The new funds totalling one million eight hundred ninety-seven thousand three hundred seventy-three dollars ($1,897,373) in 1985-86 and two million four hundred seventy-one thousand seven hundred forty dollars ($2,471,740) in 1986-87, appropriated in Section 2 of this act to the Board of Governors, for North Carolina State University for Agricultural Programs, shall be expended as follows:

(1) One hundred thousand dollars ($100,000) in each year of the biennium to establish under the present pre-harvest apple project leader a pre-harvest apple research position at the Mountain Horticultural Crops

Research Station at Fletcher and to provide operating funds and equipment for a biotechnical apple research program;

(2) Twenty thousand dollars ($20,000) in 1985-86 to conduct the North Carolina Turfgrass Survey;

(3) Eighty-seven thousand three hundred seventy-three dollars ($87,373) in 1985-86 and eighty-four thousand two hundred forty dollars ($84,240) in 1986-87 to be used to provide a fishery specialist and related costs at the Mountain Horticultural Crops Research Station at Fletcher. This specialist shall provide assistance to the mountain trout industry in Western North Carolina;

(4) One hundred thousand dollars ($100,000) in each year of the biennium to establish an entomologist position and position for a research horticulturist in woody ornamentals at the Mountain Horticultural Crops Research Station at Fletcher; and

(5) The balance of the funds as needed for other agricultural programs as identified in the priorities requested by the Board of Governors for Agricultural Programs.

Sec. 76. North Carolina State University, from its current funding for Agricultural Research Programs, shall locate a burley tobacco research specialist and sufficient operating funds in Waynesville.

——N.C. MEMORIAL HOSPITAL/USE OF PROCEEDS OF VENDING OPERATIONS

Sec. 77. (a) G.S. 143-12.1 is amended by adding a new subsection to read:

"(f1) The net proceeds of the vending operations at North Carolina Memorial Hospital shall be used at the beginning of each fiscal year to cover any deficits incurred by the Hospital's cafeteria operation during the prior fiscal year. The amount transferred from the net proceeds of the vending operations may not be available for expenditure but shall revert to the General Fund at the end of the fiscal year."

(b) G.S. 143-12.1(h) is amended by deleting the language "(f)" and substituting "(f1)".

——AID TO PRIVATE COLLEGES/LEGISLATIVE TUITION GRANT LIMITATIONS

Sec. 78. (a) The amount of a tuition grant awarded to a student enrolled in a degree program at a site away from the main campus of the approved institution may be no more than the result of the ratio of the cost per credit hour for off-campus instruction at that site to the cost per credit hour for regular, full-time on-campus instruction, multiplied by the maximum grant award.

(b) No Legislative Tuition Grant funds may be expended for programs at off-campus sites established after May 14, 1985, unless the institution offering the program has previously notified and sought agreement from other private institutions operating degree programs in the counties adjacent to or in the county in which the off-campus program is located.

(c) The General Assembly requests the North Carolina Association of Independent Colleges and Universities to establish procedures to

facilitate the coordination of programs pursuant to subsection (b) of this section and to report the results of these efforts to the chairmen of the Appropriations Committees on Education and to the Fiscal Research Division no later than one week prior to the convening of the 1986 Session.

(d) The State Educational Assistance Authority shall report to the chairmen of the Appropriations Committees on Education and to the Fiscal Research Division on the number of students receiving Legislative Tuition Grants for study at off-campus locations, the amount of the grants awarded at each site, and the location of each site. This report shall be made no later than one week prior to the convening of the 1986 and 1987 Sessions of the General Assembly. The State Educational Assistance Authority may request any information it considers necessary to comply with these requirements.

(e) Any member of the armed services as defined in G.S. 116-143.3(a), abiding in this State incident to active military duty, who does not qualify as a resident for tuition purposes as defined under G.S. 116-143.1, is eligible for a Legislative Tuition Grant pursuant to this section if the member is enrolled as a full-time student in an on-campus program. The member's Legislative Tuition Grant may not exceed the cost of tuition less any tuition assistance paid by the member's employer.

——AID TO PRIVATE COLLEGES/PROCEDURE

Sec. 79. Funds appropriated in this act to the Board of Governors of The University of North Carolina for aid to private colleges shall be disbursed in accordance with the provisions of G.S. 116-19, G.S. 116-21, and G.S. 116-22. These funds shall provide up to three hundred dollars ($300.00) per full-time equivalent North Carolina undergraduate student enrolled at a private institution as of October 1 each year.

These funds shall be placed in a separate, identifiable account in each eligible institution's budget or chart of accounts. All funds in this account shall be provided as scholarship funds for needy North Carolina students during the fiscal year. Each student awarded a scholarship from this account shall be notified of the source of the funds and of the amount of the award. Funds not utilized under G.S. 116-19 shall be for the tuition grant program as defined in the following section of this act.

Sec. 80. In addition to any funds appropriated pursuant to G.S. 116-19 and in addition to all other financial assistance made available to private educational institutions located within the State, or to students attending these institutions, there is granted to each full-time North Carolina undergraduate student attending an approved institution as defined in G.S. 116-22, the sum of nine hundred fifty dollars ($950.00) per academic year, which shall be distributed to the student as hereinafter provided.

The tuition grants provided for in this section shall be administered by the State Education Assistance Authority pursuant to rules adopted by the State Education Assistance Authority not inconsistent with this section. The State Education Assistance Authority may not approve any grant until it receives proper certification from an approved institution that the student applying for the grant is an eligible student. Upon receipt of the certification, the State Education Assistance Authority shall remit

at such times as it shall prescribe the grant to the approved institution on behalf, and to the credit, of the student.

In the event a student on whose behalf a grant has been paid is not enrolled and carrying a minimum academic load as of the 10th classroom day following the beginning of the school term for which the grant was paid, the institution shall refund the full amount of the grant to the State Education Assistance Authority. Each approved institution shall be subject to examination by the State Auditor for the purpose of determining whether the institution has properly certified eligibility and enrollment of students and credited grants paid on the behalf of the students.

In the event there are not sufficient funds to provide each eligible student with a full grant, each eligible student shall receive a pro rata share of funds then available for the remainder of the academic year within the fiscal period covered by the current appropriation. Any remaining funds shall revert to the General Fund.

——AID TO PRIVATE COLLEGES

Sec. 81. Expenditures made pursuant to Sections 79 and 80 of this act may be used only for secular educational purposes at nonprofit institutions of higher education.

——WAKE FOREST AND DUKE MEDICAL SCHOOL ASSISTANCE/FUNDING FORMULA

Sec. 82. Funds appropriated in Section 2 of this act to the Board of Governors of The University of North Carolina for continuation of financial assistance to the medical schools of Duke University and Wake Forest University shall be disbursed on certifications of the respective schools of medicine that show the number of North Carolina residents as first-year, second-year, third-year, and fourth-year students in the medical school as of November 1, 1985, and November 1, 1986. Disbursement to Wake Forest University shall be made in the amount of eight thousand dollars ($8,000) for each medical student who is a North Carolina resident, one thousand dollars ($1,000) of which shall be placed by the school in a fund to be used to provide financial aid to needy North Carolina students who are enrolled in the medical school. The maximum aid given to any student from this fund in a given year may not exceed the amount of the difference in tuition and academic fees charged by the school and those charged at the School of Medicine at The University of North Carolina at Chapel Hill.

Disbursement to Duke University shall be made in the amount of five thousand dollars ($5,000) for each medical student who is a North Carolina resident, five hundred dollars ($500.00) of which shall be placed by the school in a fund to be used to provide student financial aid to financially needy North Carolina students who are enrolled in the medical school. No individual student may be awarded assistance from this fund in excess of two thousand dollars ($2,000) each year. In addition to this basic disbursement for each year of the biennium, a disbursement of one thousand dollars ($1,000) shall be made for each medical student who is a North Carolina resident in the first-year, second-year, third-year, and

fourth-year classes to the extent that enrollment of each of those classes exceeds 30 North Carolina students.

The Board of Governors shall establish the criteria for determining the eligibility for financial aid of needy North Carolina students who are enrolled in the medical schools and shall review the grants or awards to eligible students. The Board of Governors shall adopt rules for determining which students are residents of North Carolina for the purposes of these programs. The Board shall also make any regulations as necessary to ensure that these funds are used directly for instruction in the medical programs of the schools and not for religious or other nonpublic purposes. The Board shall encourage the two schools to orient students towards personal health care in North Carolina giving special emphasis to family and community medicine.

——RESERVE FOR JACKSON COUNTY BOARD OF EDUCATION

Sec. 83. (a) The five million dollars ($5,000,000) in funds appropriated to The University of North Carolina Board of Governors in Section 3 of Chapter 971, Session Laws of 1983, Regular Session 1984, to be held in reserve by the Board to be awarded to the Jackson County Board of Education may not revert to the General Fund unless the General Assembly so authorizes.

(b) This section shall become effective June 30, 1985.

——NORTH CAROLINA TOMORROW PROGRAMS

Sec. 84. Of the funds appropriated in Section 2 of this act to Western Carolina University, the sum of two hundred fifty thousand dollars ($250,000) for the 1985-86 fiscal year and two hundred fifty thousand dollars ($250,000) for the 1986-87 fiscal year shall be disbursed by the chief fiscal officer of Western Carolina University in accordance with plans developed by the Western North Carolina Tomorrow Program. Of the funds appropriated in Section 2 of this act to Elizabeth City State University, the sum of one hundred fifty thousand dollars ($150,000) for the 1985-86 fiscal year and one hundred fifty thousand dollars ($150,000) for the 1986-87 fiscal year shall be disbursed by the chief fiscal officer of Elizabeth City State University in accordance with plans developed by the Northeastern North Carolina Tomorrow Program.

PART IX.——HUMAN RESOURCES

——WILLIE M.

Sec. 85. (a) Legislative Findings. The General Assembly finds:

(1) That there is a need in North Carolina to provide appropriate treatment and education programs to children under the age of 18 who suffer from emotional, mental, or neurological handicaps accompanied by violent or assaultive behavior;

(2) That children meeting these criteria have been identified as a class in the case of Willie M., et. al. vs. Hunt, et. al.; and

(3) That these children have a need for a variety of services, in addition to those normally provided, that may include but are not

limited to residential treatment services, educational services, and independent living arrangements.

(b) Funds for Department of Human Resources. It is the intent of the General Assembly that funds appropriated in Section 2 of this act, to the Department of Human Resources for serving members of the Willie M. Class be expended only for programs serving members of the Willie M. Class identified in Willie M., et. al. vs. Hunt, et. al., including evaluations of potential class members. It is recognized that therapeutic or economic reasons may, at times, require certain of these services to serve a mixed clientele of Willie M. class members and other clients. To the maximum extent possible, however, these funds shall be expended solely for the benefit of Willie M. class members. The Department shall reallocate these funds among services to Willie M. class members during the year as it deems advisable in order to use the funds efficiently in providing appropriate services to Willie M. class children.

(c) Funds for Department of Public Education. Funds appropriated to the Department of Public Education in Section 2 of this act for members of the Willie M. Class, are to establish a supplemental reserve fund to serve only members of the class identified in Willie M., et. al. vs. Hunt, et. al. These funds shall be allocated by the State Board of Education to the local education agencies to serve those class members who were not included in the regular average daily membership and the census of children with special needs, and to provide the additional program costs which exceed the per pupil allocation from the State Public School Fund and other State and federal funds for children with special needs.

(d) The Department of Human Resources shall implement its prospective unit cost reimbursement system in fiscal year 1985-86 as specified in the Amended Willie M. Unit Cost Reimbursement Plan - May 1985. The Department shall ensure that unit cost rates reflect reasonable costs by conducting cost center service type rate comparisons and cost center line item budget reviews as may be necessary. The Department may not implement the plan in subsequent fiscal years until the operation of the plan in the full fiscal year 1984-85 and the first six months of 1985-86 has been evaluated and reviewed by the General Assembly.

The Department shall submit a report to the General Assembly on May 1, 1986, on the operation of the unit cost reimbursement system for the full 1984-85 fiscal year and the first six months of the 1985-86 fiscal year.

(e) Reporting Requirements. The Department of Human Resources and the Department of Public Education shall submit, by May 1, 1986, a joint report to the Governor and the General Assembly on the progress achieved in serving members of the Willie M. Class. The report shall include the following unduplicated data for each county: (i) the number of children nominated for the Willie M. Class; (ii) the number of children actually identified as members of the class in each county; (iii) the number of children served as members of the Class in each county; (iv) the number of children who remain unserved; (v) the types and locations of treatment and education services provided to class members; (vi) the cost of services,

by type, to members of the class; (vii) information on the impact of treatment and education services on members of the class.

(f) The Departments of Human Resources and Public Education shall provide periodic reports of expenditures on behalf of the Willie M. Class to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

(g) In fulfilling the responsibilities vested in it by the Constitution of North Carolina, the General Assembly finds:

(1) That the responsible State agencies have made a bona fide good faith effort to comply fully with the requirements of the Court Orders in the case of Willie M., et. al. vs. Hunt, et. al., and that services and placements for Willie M. class members are very greatly improved.

(2) That the General Assembly has evaluated the known needs of the State and has endeavered to satisfy those needs in comparison to their social and economic priorities.

(3) That the funds appropriated will enable the development and implementation of placement and services for the class members in Willie M., et. al. vs. Hunt, et. al., within a reasonable period of time considered within the context of the needs of the class members, the other needs of the State and the resources available to the State.

(4) That additional expenditures of funds for these purposes at this time would result in an accelerated expenditure of and an unreasonable waste of State funds inasmuch as such expenditures could not reasonably be expected to actually secure a higher degree of treatment or education for the class members than can be accomplished with the funds appropriated.

(h) The General Assembly supports the efforts of the responsible officials and agencies of the State to meet the requirements of the court order in Willie M., et. al. vs. Hunt, et. al. However, in view of the fundings in subsection (g) above, the General Assembly expressly directs that no State funds shall be expended on the placement and services of class members in Willie M., et. al., or for any other thing or purpose arising out of this litigation, now or at any time in the biennium, except for those funds appropriated in Section 2 of this act to the Departments of Human Resources and Public Education for programs serving members of the Willie M. Class identified in Willie M., et. al. vs. Hunt, et. al., and except for such funds as may be elsewhere appropriated by the General Assembly specifically for such purposes.

(i) Notwithstanding any other provision of law, if the Department of Human Resources determines that a local program is not providing appropriate services to members of the class identified in Willie M., et. al. vs. Hunt, et. al., the Department may ensure the provision of these services through contracts with public or private agencies or by direct operation by the Department of such programs.

——MEDICAID

Sec. 86. (a) Appropriations in Section 2 of this act for services provided in accordance with Title XIX of the Social Security Act

(Medicaid) are for both the categorically needy and the medically needy. Funds appropriated for these services shall be expended in accordance with the following schedule of services and payment bases. All services and payments are subject to the language at the end of this subsection.

Services and payment bases

(1) *Hospital-Inpatient* - Payment for hospital inpatient services will be based on a prospective rate reimbursement plan as established by the Department of Human Resources. Administrative days for any period of hospitalization shall be limited to a maximum of three days.

(2) *Hospital - Outpatient* - Eighty percent (80%) of allowable costs or a prospective reimbursement plan as established by the Department of Human Resources.

(3) *Mental and Speciality Hospitals, Skilled Nursing Facilities, and Intermediate Care Facilities* - Mental or Specialty Hospitals - Allowable costs or prospective reimbursement if approved by the Director of the Budget. Skilled Nursing Facilities and Intermediate Care Facilities, as prescribed under the State Plan for Reimbursing Long-Term Care Facilities. Skilled nursing facility participation in the Medicare program is a condition of participation in the North Carolina Medicaid skilled nursing facility program.

(4) *Intermediate Care Facilities for the Mentally Retarded* - As prescribed under the State Plan for reimbursing intermediate care facilities for the mentally retarded.

(5) *Drugs* - Drug cost as allowed by federal regulations plus three dollars and fifty cents ($3.50) professional services fee per month excluding refills for the same drug or generic equivalent during the same month. Reimbursement shall be available for up to six prescriptions per recipient, per month, including refills. Payments for drugs are subject to the provisions of subsection (g) of this section and to the provisions at the end of subsection (a) of this section.

(6) *Physicians, Chiropractors, podiatrists, Optometrists, Dentists* - Fee schedules as developed by the Department of Human Resources. Payments for dental services are subject to the provisions of subsection (f) of this section.

(7) *Community Alternative Program, EPSDT Screens* - Payment to be made in accordance with a rate schedule developed by the Department of Human Resources.

(8) *Home Health, Clinic Services, Mental Health Clinics, Prepaid Health Plans* - Payment to be made according to reimbursement plans developed by the Department of Human Resources.

(9) *Medicare Buy-In* - Social Security Administration premium.

(10) *Ambulance Services* - Uniform fee schedules as developed by the Department of Human Resources.

(11) *Hearing Aids* - Actual cost plus a dispensing fee.

(12) *Rural Health Clinic Services* - Provider based - reasonable cost; nonprovider based - single cost reimbursement rate per clinic visit.

(13) *Family Planning* - Negotiated rate for local health departments. For other providers - see specific services, for instance, hospitals, physicians.

(14) *Independent Laboratory and X-Ray Services* - Uniform fee schedules as developed by the Department of Human Resources.

(15) *Optical Supplies* - one hundred percent (100%) of reasonable wholesale cost of materials.

(16) *Ambulatory Surgical Centers* - Negotiated rates, established by the Department of Human Resources.

(17) *Medicare Crossover Claims* - Actual coinsurance or deductible or both.

(18) *Physical Therapy and Speech Therapy* - Services limited to EPSDT eligible children. Payments are to be made only to the Crippled Children's Program at rates negotiated by the Department of Human Resources.

(19) *Personal Care Services* - Payment in accordance with plan approved by the Department of Human Resources.

Reimbursement is available for up to 24 visits per recipient per year to any one or combination of the following: physicians, clinics, hospital outpatient, optometrists, chiropractors, and podiatrists. Prenatal services, EPSDT screens and emergency rooms are exempt from the visit limitations contained in this paragraph. Exceptions may be authorized by the Department of Human Resources where the life of the patient would be threatened without such additional care. Any person who is determined by the Department to be exempt from the 24-visit limitation may also be exempt from the six prescription limitation.

Any changes in services or bases of payment in the Medicaid program must be approved by the Director of the Budget with the advice of the Advisory Budget Commission.

(b) Allocation of Nonfederal Cost of Medicaid. The State shall pay eighty-five percent (85%) and the counties shall pay fifteen percent (15%) of the nonfederal costs of all applicable services listed in this section.

(c) Co-payment for Medicaid Services. The Department of Human Resources may establish co-payment up to the maximum permitted by federal law and regulation.

(d) Medicaid and Aid to Families with Dependent Children Income Eligibility Standards. Effective July 1, 1985, the maximum net family annual income eligibility standards for Medicaid and Aid to Families with Dependent Children, and the Standard of Need for Aid to Families with Dependent Children shall be as follows:

Categorically Needy		*Medically Needy*	
Family Size	*Standard Of Need*	*AFDC Payment Level**	*AA,AB,AD**
1	$3,912	$1,956	$2,700
2	5,136	2,568	3,500
3	5,904	2,952	4,000
4	6,456	3,228	4,400
5	7,056	3,528	4,800
6	7,608	3,804	5,100

Categorically Needy		*Medically Needy*	
Family Size	*Standard Of Need*	*AFDC Payment Level**	*AA,AB,AD**
7	8,136	4,068	5,500
8	8,496	4,428	5,700

*Aid to Families with Dependent Children (AFDC); Aid to the Aged (AA); Aid to the Blind (AB); and Aid to the Disabled (AD).

The payment level for Aid to Families with Dependent Children shall be fifty percent (50%) of the standard of need.

These standards may be changed with the approval of the Director of the Budget with the advice of the Advisory Budget Commission.

(e) Spouse Responsibility. Notwithstanding the provisions of G.S. 108A-61, the Department of Human Resources, Division of Medical Assistance, may not consider the income or assets of the spouse of a person who is admitted as a long-term care patient in a certified public or private intermediate care or skilled nursing facility to be available to the institutionalized person.

(f) Dental Coverage Limits. Dental services will be provided on a restricted basis in accordance with regulations developed by the Department. Funds for dental services shall be disbursed only with prior approval by the Department of Human Resources, Division of Medical Assistance, as required by this subsection. No prior approval shall be required for emergency services or routine services. Routine services are defined as examinations, X-rays, prophylaxis, nonsurgical tooth extractions, amalgam fillings, and fluoride treatments. Prior approval shall be required for all other services and for routine services performed more than two times during a consecutive 12-month period. The Department of Human Resources shall adopt rules, as provided by the Administrative Procedure Act, to implement this subsection.

(g) Dispensing of Generic Drugs. Notwithstanding G.S. 90-85.27 through G.S. 90-85.31, under the Medical Assistance Program (Title XIX of the Social Security Act) a prescription order for a drug designated by a trade or brand name shall be considered to be an order for the drug by its established or generic name, except when the prescriber personally indicates, either orally or in his own handwriting on the prescription order, "dispense as written" or words of similar meaning.

As used in this subsection "brand name" means the proprietary name the manufacturer places upon a drug product or on its container, label or wrapping at the time of packaging; and "established name" has the same meaning as in section 502(e) (3) of the Federal Food, Drug and Cosmetic Act as amended, 21 U.S.C. 352(e) (3).

(h) Exceptions to Service Limitations, Eligibility Requirements, and Payments. Service limitations, eligibility requirements, and payments bases in this section may be waived by the Department of Human Resources, with the approval of the Director of the Budget, to allow the Department to carry out pilot programs for prepaid health plans or community based services programs in accordance with plans approved by the U.S. Department of Health and Human Services, or when the

Department determines that such a waiver will result in a reduction in the total Medicaid costs for the recipient.

(i) Volume Purchase Plans and Single Source Procurement. The Department of Human Resources, Division of Medical Assistance, may, subject to the approval of a change in the State Medicaid Plan, contract for services, medical equipment, supplies and appliances by implementation of volume purchase plans, single source procurement or other similar processes in order to improve cost containment.

(j) Cost Containment Programs. The Department of Human Resources, Division of Medical Assistance, may undertake cost containment programs including pre-admissions to hospitals and prior approval for certain outpatient surgeries before they may be performed in an inpatient setting.

(k) The Department of Human Resources, Division of Medical Assistance, shall develop, as part of the Medicaid Hospital Reimbursement Plan, a method for increasing per diem rates to those hospitals serving a disproportionate share of indigent patients. A disproportionate share shall be measured by a combination of total Medicaid revenues, bad debts, and charity care as a percentage of gross patient revenues. If a hospital's share of indigent care exceeds twenty percent (20%) of gross patient revenues, it is eligible to receive an increase, not to exceed five percent (5%) in its Medicaid per diem rate.

In order for a hospital to participate in this program, it shall submit financial information on gross patient revenues, charity care, bad debts, and Medicaid revenues to the Department of Human Resources, Division of Medical Assistance.

——NON-MEDICAID REIMBURSEMENT

Sec. 87. Providers of medical services under the various State programs other than Medicaid offering medical care to citizens of the State shall be reimbursed at rates no more than those under the North Carolina Medical Assistance Program. The Department of Human Resources may reimburse hospitals at the full prospective per diem rates without regard to the Medical Assistance Program's annual limits on hospital days. When the Medical Assistance Program's per diem rates for inpatient services and its interim rates for outpatient services are used to reimburse providers in non-Medicaid medical service programs, retroactive adjustments to claims already paid shall not be required.

Maximum net family annual income eligibility standards for services in these programs with the exception of Migrant Health School Health, and Home Health shall be as follows:

Family Size	*Kidney*	*Medical Eye Care Adults*	*Rehabilitation*	*All Other*
1	6,400	3,600	5,053	4,200
2	8,000	4,400	6,608	5,300
3	9,600	4,600	8,161	6,400
4	11,000	5,400	9,718	7,500
5	12,000	5,800	11,276	7,900
6	12,800	6,100	12,828	8,300

Family Size	*Kidney*	*Medical Eye Care Adults*	*Rehabilitation*	*All Other*
7	13,600	6,500	13,116	8,800
8	14,400	6,900	13,411	9,300

These standards shall be in effect until change is approved by the Director of the Budget with the advice of the Advisory Budget Commission, or by the General Assembly.

——DOMICILIARY CARE FACILITIES

Sec. 88. The maximum monthly rates for "ambulatory" residents in the domiciliary care facilities (rest homes) shall be five hundred ninety-three dollars ($593.00). The maximum monthly rate for "semi-ambulatory" residents shall be five percent (5%) more than the "ambulatory" rate.

——AGED AND FAMILY CARE/COUNTY AND STATE SHARES OF COSTS

Sec. 89. The State shall pay fifty percent (50%) and the counties shall pay fifty percent (50%) of the authorized rates for domiciliary care in homes for the aged and for family care homes, including area mental health agency operated group homes.

——MIXED BEVERAGE TAX FOR AREA MENTAL HEALTH PROGRAMS

Sec. 90. Funds received by the Department of Human Resources from the tax levied on mixed beverages under G.S. 18B-804(b)(8) shall be expended by the Department of Human Resources for alcohol programs in area mental health centers. These funds shall be matched by local funds in accordance with the State/local ratio established by the current area mental health matching formula. These funds shall be allocated to the area mental health programs on a per capita basis as determined by the Office of State Budget and Management's most recent estimates of county populations.

——INFLATIONARY INCREASES IN STATE AID TO LOCAL AGENCIES

Sec. 91. As required by G.S. 143-10.1, funds are included in Section 2 of this act for inflationary increases in certain local programs including a five percent (5%) salary increase and the continuation of the ten percent (10%) salary increase made July 1, 1984, computed on the share paid by the State of North Carolina, where the State is presently providing aid. These funds shall be certified to the respective State agencies as detailed in the State Budget; and they shall be distributed to the local agencies/programs using the same allocation methods by which the present aid is distributed.

——NO EYE CLINICS IN CERTAIN COUNTIES

Sec. 92. No funds may be expended for the Department of Human Resources, Division of Services for the Blind, to hold eye clinics in any

county in which an optometrist or ophthalmologist is willing to perform the services that would otherwise be performed by the clinic.

——LIMITATIONS ON STATE ABORTION FUND

Sec. 93.

(1) It shall be the policy of the State of North Carolina that the State Abortion Fund shall not be available for abortion on demand but shall be limited in accordance with this section. Funds in the amount of nine hundred twenty-four thousand five hundred dollars ($924,500) are appropriated in Section 2 of this act to the Department of Human Resources, Division of Social Services (Line Item 1430-6451) to reimburse medical providers, including licensed physicians, licensed hospitals, and other facilities for those services permitted under G.S. 14-45.1 except that the Fund will be limited to reimbursing providers for services provided within the first 135 days of pregnancy. No State funds in excess of nine hundred twenty-four thousand five hundred dollars ($924,500) per fiscal year, whether from tax revenue, gift, bequest, grant, or any other sources, may be expended for the performance of abortions during the 1985-86 fiscal year or the 1986-87 fiscal year.

(2) Funds in the amount of four hundred fifty thousand dollars ($450,000) are appropriated in Section 2 of this act to the Department of Human Resources, Division of Health Services, for pre-natal services.

(3) Eligibility. Applicants for services under this section shall be residents of North Carolina:

a. Who receive Aid to Families With Dependent Children and: the woman is a victim of rape or incest; or the woman's health would be impaired by the pregnancy, as determined in the sole discretion of a physician selected by the woman; or where the woman is mentally retarded; or where a physician has determined that a fetal deformity is present; or

b. Who receive health support services in conjunction with protective services and disabled adults and: the woman is a victim of rape or incest; or the woman's health would be impaired by the pregnancy, as determined in the sole discretion of a physician selected by the woman; or where the woman is mentally retarded; or where a physician has determined that a fetal deformity is present; or

c. Whose income is at or below four thousand two hundred twenty-six dollars ($4,226) per year and: the woman is a victim of rape or incest; or the woman's health would be impaired by the pregnancy, as determined in the sole discretion of a physician selected by the woman; or where the woman is mentally retarded; or the applicant is a minor, as defined by G.S. 48A-2; or where a physician has determined that a fetal deformity is present.

Applicants under subparagraph c. shall only be eligible for services provided under this section one time, except in cases of rape, incest, when the applicant is a minor, is mentally retarded or when there is fetal deformity.

Neither race, creed, color, age, other than as provided by this section, national origin, handicapping condition, nor marital status may be eligibility criteria for these services.

Rules adopted pursuant to this section may in no way restrict or enlarge the class of persons to be served, as defined herein.

No rules adopted pursuant to this section may require a woman to report rape or incest within any specified time.

(4) Responsibilities of the County Departments of Social Services. Services provided under this section shall be administered uniformly in every political subdivision of the State. Applications for service shall be made to county departments of social services.

Eligibility for the services under this section shall be determined by the county department of social services under the provisions of subdivision (3) of this section. The county department of social services shall arrange for the delivery of these services with appropriate medical providers.

(5) Counseling and Referral Services. The county department of social services shall provide counseling to all persons determined eligible for service under this section. Counseling shall include discussion of pregnancy options, including adoption, and family planning information.

The county department of social services shall provide to all persons determined eligible under this provision family planning counseling, and referral for family planning medical consultation and supplies, or voluntary sterilization.

In cases where the applicant chooses to carry the pregnancy to term, the county department of social services shall refer the individual for all appropriate services, including licensed adoption services, maternal health care services and financial assistance.

(6) Reimbursement to Providers. Services shall be reimbursed at no less than one hundred fifty dollars ($150.00) for outpatient services and not more than five hundred dollars ($500.00) for inpatient services.

No services may be reimbursed where federal funds are available.

Providers receiving funds under this section may not collect additional funds from individuals receiving services.

Notwithstanding any provision of law, the setting of rates or fees for such services; the setting of eligibility standards or application requirements; the determination of the components of income that are considered in computing family monthly gross income; designation of services to be provided or the designation of providers shall be done only by enactment of law by the General Assembly. For purposes of administering this section, the following regulations which are codified in the North Carolina Administrative Code, to the extent that they are consistent with this section, are specifically authorized by the General Assembly: 10 NCAC 42W .0001 - .0003, which were filed and effective as of January 1, 1983; 10 NCAC 35E .0103, Income Eligible Status, which was filed and effective as of July 1, 1983; and 10 NCAC 35 .0003, including the referenced Family Services Manual.

——DAY CARE ALLOCATION FORMULA

Sec. 94. To simplify current day care allocation methodology and more equitably distribute State day care funds, the Department of Human Resources shall apply the following allocation formula to all noncategorical federal and State day care funds used to pay the costs of necessary day care for minor children of needy families:

(1) Fifty percent (50%) of budgeted funds shall be distributed according to the county's population; and

(2) Fifty percent (50%) of budgeted funds shall be distributed based upon the county's poverty rate as a percentage of the sum total of all North Carolina's county poverty rates.

Counties whose allocation, if based on previously used formulas, exceeds the allocation produced by the formula prescribed by this section may not have their allocations reduced in either fiscal year 1985-86 or in fiscal year 1986-87 to the level that results from application of the new formula. Counties whose allocation, if based on previously used formulas, is less than the allocation produced by the formula prescribed by this section shall receive a proportional share of three million seven hundred thirteen thousand dollars ($3,713,000) in expansion funds for fiscal year 1985-86 and five million seven hundred twenty-six thousand dollars ($5,726,000) in expansion funds for fiscal year 1986-87, which have been appropriated for the purpose of providing additional day care services by Section 2 of this act.

——DAY CARE

Sec. 95. The Department of Human Resources shall distribute the funds appropriated and otherwise available to the Department for the purchase of slots in day care for minor children of needy families so as to serve the greatest number of children possible.

Sec. 96. Effective July 1, 1986, G.S. 143B-153(8)a. is rewritten to read:

"a. A fee schedule for the payment of the costs of necessary day care in licensed facilities and registered plans for minor children of needy families."

Sec. 97. (a) The monthly fee schedule for the payment of costs of necessary day care for minor children of needy families set by the Social Services Commission pursuant to G.S. 143B-153(8)a. may not exceed:

(1) One hundred eighty-five dollars ($185.00) for children who have not reached their third birthday in Level I care;

(2) Effective July 1, 1985, through June 30, 1986, two hundred thirty dollars ($230.00) for children who have not reached their third birthday in Level II care;

Effective July 1, 1986, two hundred ten dollars ($210.00) for children who have not reached their third birthday in Level II care;

(3) One hundred fifty dollars ($150.00) for children who are three years of age and older in Level I care;

(4) Effective July 1, 1985, through June 30, 1986, one hundred seventy-five dollars ($175.00) for children who are three years of age and older in Level II care;

Effective July 1, 1986, one hundred sixty-five dollars ($165.00) for children who are three years of age and older in Level II care;

(5) One hundred dollars ($100.00) for individual child care giving arrangements; and

(6) One hundred fifty dollars ($150.00) for day care plans.

(b) Effective January 1, 1986, facilities and plans that are licensed and registered pursuant to Article 7 of Chapter 110 of the General Statutes may participate in the program that provides for the purchase of slots in day care facilities and plans for minor children of needy families. No separate certification process or participation requirements that exceed licensing or registration requirements may be used to select facilities or plans to participate.

(c) Effective January 1, 1986, level II providers whose programs exceed licensing standards may modify their programs to standards consistent with licensing standards.

(d) Any savings that result by reason of this schedule shall be used by the Department to provide for the payments of the costs of necessary day care for more minor children of needy families.

(e) County departments of social services shall continue to negotiate with day care providers for day care services at rates below the maximum rates prescribed by subsection (a) of this section.

(f) The Department of Human Resources shall conduct a departmental day care rate setting study dealing specifically with the establishment of maximum reimbursement rates and with the implementation of these rates, and shall make a written report of the study's findings, including recommendations, to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division, one month prior to the convening of the 1986 Session of the 1985 General Assembly.

(g) The Legislative Research Commission Study Committee on Day Care shall include in its study an examination of day care rate setting including revising the rate system to a single track system, and shall report its findings and recommendations in its report to the 1987 General Assembly.

——AFDC/WOMEN IN THIRD TRIMESTER OF PREGNANCY

Sec. 98. The Division of Social Services, Department of Human Resources, shall provide Aid to Families with Dependent Children to women in their third trimester of pregnancy regardless of whether these women have children, if they otherwise qualify for these payments.

——MATERNAL AND CHILD HEALTH CARE

Sec. 99. The Division of Health Services shall ensure that local health departments do not reduce county appropriations for maternal and child health services provided by the local health departments because they have received State appropriations pursuant to this act.

Sec. 100. In order to ensure that funds appropriated by Section 2 of this act for maternal and child health care services to the Department of Human Resources, Division of Health Services, provide medical services to as many eligible women of childbearing age as possible, especially to adolescents, these funds may be used only for the purposes of providing prenatal clinics, purchase of medical services, and family planning services, including education and counseling and medical supplies.

——ADOLESCENT PREGNANCY ADVISORY BOARD

Sec. 101. The Secretary of Human Resources shall select individuals from the membership of the Statewide Family Planning Advisory Council and the Perinatal Council of the Health Services Commission to serve as an Advisory Board for Adolescent Pregnancy and Prematurity Prevention. The individuals so selected shall include a representative of the Division of Social Services, a representative of the Division of Mental Health, Mental Retardation, and Substance Abuse Services, a representative of the Family Planning Branch of the Division of Health Services, a representative of the Maternal and Child Health Branch of the Division of Health Services, a representative of the North Carolina Coalition on Adolescent Pregnancy, a representative of the North Carolina Child Advocacy Institute, and a representative of Planned Parenthood. The Advisory Board shall advise the Secretary of the Department of Human Resources and the Division of Health Services on issues relating to the problem of adolescent pregnancy and of prematurity prevention in North Carolina. Before funds appropriated by Section 2 of this act for model adolescent pregnancy and prematurity prevention projects may be allocated for the establishment of these projects, the Secretary and the Division of Health Services shall receive and review the recommendations of the Advisory Board regarding the selection of model programs. The final authority for the selection of the projects to be established shall rest with the Secretary.

——ADOLESCENT PREGNANCY AND PREMATURITY PREVENTION PROJECTS

Sec. 102. The Division of Health Services shall design the Adolescent Pregnancy and Prematurity Prevention Projects in order to reduce most effectively the numbers of unintended adolescent pregnancies, and to improve the health of pregnant adolescents and their infants, by means of the development of innovative community based programs and projects such as school based adolescent health clinics and community based adolescent counseling and education programs. The Projects shall be undertaken as pilot projects to serve as successful models for replication in areas of the State where there are statistically high incidences of adolescent pregnancy, premature births, and infant mortality.

Project selection may be based solely on the merits of the proposals submitted to the Division. The Secretary shall adopt rules to administer the selection process and to establish and administer the Projects. All Projects established and funded during the 1985-87 fiscal biennium shall be evaluated by the Division of Health Services. The Division of Health Services shall report the results of this evaluation, together with any recommendations, to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division, no later than January 15, 1987.

——IV-D PROGRAM/ADMINISTRATION

Sec. 103. Effective June 30, 1985, Section 76 of Chapter 1034, Session Laws 1983 (Regular Session 1984) is amended by deleting the date "July 1, 1985" and by substituting the date "July 1, 1986".

——ARTHRITIS PROGRAM EVALUATION

Sec. 104. The Division of Health Services shall conduct an evaluation of the Arthritis Program and submit its report to the Joint Governmental Operations Commission and to the Fiscal Research Division, no later than 30 days prior to the convening of the 1987 General Assembly.

——FEDERAL FUNDS CARRIED FORWARD FOR SENIOR CITIZENS CENTERS

Sec. 105. (a) Of the two million dollars ($2,000,000) of federal funds carried forward from previous fiscal years to the 1985-86 fiscal year for the construction, alteration, and maintenance of senior citizen centers, one million dollars ($1,000,000) shall be allocated pursuant to subsection (b) of this section in the following amounts:

(1) Nine hundred thousand dollars ($900,000) shall be allocated to the 18 Area Agencies on Aging, fifty thousand dollars ($50,000) to each Agency;

(2) One hundred thousand dollars ($100,000) shall be allocated among these agencies on the basis of federal formula guidelines interpreted by the Division of Aging.

Ten percent (10%) of the total funds allocated to each Agency shall be available for the operation of the Agency.

(b) The federal funds allocated by subsection (a) of this section shall be matched in accordance with Title III federal regulations. Allocated funds may be disbursed to the Agency only when it presents a specific proposal to the Division of Aging for use of the funds and that proposal is approved and the required local matching funds are available. At an appropriate time, before the end of fiscal year 1985-86, if the money allocated to a specific Agency has not been disbursed, the Division of Aging shall reallocate those funds to another Agency that meets the disbursement criteria established by this subsection.

The Division shall present a review of its allocations and disbursements pursuant to this section to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division, one month prior to the convening of the 1986 Session of the 1985 General Assembly.

——RETROSPECTIVE ACCOUNTING ADJUSTMENT/AFDC

Sec. 106. The Department of Human Resources shall use funds appropriated in Section 2 of this act to provide a State supplementary payment to Aid to Families with Dependent Children households adversely affected by the retrospective accounting procedure as allowed under § 403(a) of the Social Security Act (42 U.S.C. § 603(a)), as amended by § 157(a) of the Tax Equity and Fiscal Responsibility Act of 1982. The amount of the State supplement shall not exceed the maximum payment standard for the Aid to Families with Dependent Children Program.

——STATE MEDICAL FACILITIES PLAN/NURSING HOME ALLOCATION STUDY

Sec. 107. In preparing the 1986 State Medical Facilities Plan, the Department of Human Resources shall reevaluate the standards and

criteria used in the Plan to allocate nursing home beds in North Carolina, in order to ensure that all North Carolina citizens that are aged and disabled have equal access to nursing home care within a reasonable distance of their residences. In determining this, population distribution shall be considered. The Department shall report the results of this reevaluation, including any alterations made in the Plan that reflect this reevaluation to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division no later than 30 days prior to the Plan's final approval by the Governor, and shall report any further alterations made in the final Plan as well as any additional recommendations to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division no later than one week prior to the convening of the 1986 Session of the 1985 General Assembly.

——DOMICILIARY CARE FACILITIES/REPORTING REQUIREMENTS

Sec. 108. The third sentence of G.S. 131D-3 is amended by deleting the phrase "February 1, 1984, for the 1983 calendar year and annually thereafter" and substituting the phrase "March 1 of each year".

——SOUTH CENTRAL DEINSTITUTIONALIZATION PROJECT

Sec. 109. The Department of Human Resources shall continue the deinstitutionalization project in the south central region for the 1985-86 fiscal year subject to the following conditions:

(1) The Department shall establish clear goals for reductions in admissions to Dix Hospital.

(2) The Wake Area Mental Health Program shall establish inpatient services at the community level prior to the end of the fiscal year; and

(3) The Department shall report to the 1986 Session of the 1985 General Assembly on progress made with this deinstitutionalization project.

Sec. 110. Unassigned.

——KIDNEY DONOR AND HUMAN TISSUE PROGRAM/FUND REVERSION

Sec. 111. Effective June 30, 1985, Section 2 of Chapter 1027, 1971 Session Laws is amended by rewriting the last sentence to read:

"Any funds unexpended at the end of any fiscal year shall revert to the General Fund."

——COMMUNITY LIVING PROGRAMS

Sec. 112. Of the increased federal funding that will be available to the Department of Human Resources, Division of Vocational Rehabilitation, funds up to four hundred thousand dollars ($400,000) in fiscal year 1985-86 and up to six hundred thousand dollars ($600,000) in fiscal year 1986-87 shall be allocated, in addition to the State appropriations already in the base budget, to continue the present level of services for the Community Independent Living Programs in Forsyth and Mecklenburg Counties.

——SECRETARY'S FEE SCHEDULE

Sec. 113. The Secretary of Human Resources shall recommend a fee schedule for fees to cover the costs of responding to certain environmental health consultation requests and related procedures. The Secretary shall report this recommended fee schedule and expenditures to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division, one month prior to the convening of the 1986 Session of the 1985 General Assembly.

——SANITATION BRANCH FUNDS

Sec. 114. Of the funds appropriated by Section 2 of this act to the Department of Human Resources, Division of Health Services, the Division may use up to one hundred thousand dollars ($100,000) per year to provide technical assistance, consultation, plan review, and plan approval for food and lodging operators, residential and commercial developers, residential and commercial contractors, and the general public.

——MOSQUITO AND VECTOR CONTROL PROGRAM

Sec. 115. Of the funds appropriated in Section 2 of this act to the Department of Human Resources, Division of Health Services, for the Mosquito and Vector Control Program, no more than sixty-five percent (65%) of the funds designated as Aid to Counties and Aid to Cities may be used for mosquito spraying and mosquito fogging. No more than thirty-five percent (35%) of the funds designated as Aid to Counties and Aid to Cities may be used for water management projects.

The Division shall report on the progress of the Grove Creek Project and all other mosquito spraying and mosquito fogging projects to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division, by May 1, 1986.

——ECKERD WILDERNESS THERAPEUTIC CAMP

Sec. 116. (a) The Division of Youth Services, in cooperation with the Eckerd Foundation, shall study the feasibility of providing camp for an all female population and the current limitation of 12 months on a camper's stay. The Division shall present the results of the study, including any legislative recommendations, tc the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division, one month prior to the convening of the 1986 Session of the 1985 General Assembly.

(b) The State Auditor's Office shall conduct an operational audit of the Eckerd Wilderness Therapeutic Camp Program for the 1984-85 fiscal year.

——DHR EMPLOYEES AS IN-KIND MATCH

Sec. 117. The Secretary of the Department of Human Resources may assign employees of the Department of Human Resources to serve as in-kind match to nonprofit corporations working to establish health care cost containment strategies.

PART X.——NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

——JOB TRAINING PARTNERSHIP ACT

Sec. 118. (a) The Director of the Budget shall develop a comprehensive inventory of the State-administered employment and training programs.

(b) The inventory shall show:

(1) Funding for these programs and source of funding;
(2) Administering agencies;
(3) Clientele served;
(4) Types of training or services provided; and
(5) The effect these programs have had on the employability of the State's population.

(c) The inventory shall be conducted in cooperation with the State Job Training Coordinating Council and shall identify:

(1) Areas where overlap or duplication occurs;
(2) Areas where different sources of funds are provided to an agency for employment and training of the same personnel;
(3) Specific efforts to reduce double funding;
(4) State agencies administering employment and training programs where actual training is contracted to others;
(5) The amount of administrative funds being used by these subcontracting agencies; and
(6) The amount of additional funds that could be used for direct services or training of the client population if the subcontracting agency is eliminated.

This inventory shall be submitted to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division no later than May 15, 1986.

Sec. 119. The General Assembly finds that it is more efficient to contract directly with an agency or institution capable of providing the required services than to contract with an agency that subcontracts with another agency to provide training to Job Training Partnership Act participants; therefore, the State Job Training Coordinating Council and the Governor shall maximize, to the extent practicable, contracting directly with the agency or institution capable of providing the required services.

Sec. 120. The Governor and State Job Training Coordinating Council shall ensure that the Job Training Partnership Act management information system is updated quarterly with financial and program information. This information shall be made available upon request to all agencies of State government having responsibility for the Job Training Partnership Act.

Sec. 121. To the extent permitted under PL 97-300, State priorities for employment and training of the Job Training Partnership Act eligible population shall include:

(1) Remedial education, basic skills training, and dropout prevention;
(2) Institutional skills training;
(3) On-the-job training;
(4) Programs of advanced career training which provide a formal combination of on-the-job and institutional training and internship assignments which prepare individuals for career employment;

(5) Training programs operated by the private sector, including those operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment, and personnel to train workers in occupations for which demand exceeds supply;

(6) Supportive services necessary to enable individuals to participate in the program and to assist them in retaining employment for not to exceed six months following completion of training;

(7) Pre-apprenticeship programs;

(8) On-site industry-specific training programs supportive of industrial and economic development; and

(9) Customized training conducted with a commitment by an employer or groups of employers to employ an individual upon successful completion of that training.

Sec. 122. The allocation of funds pursuant to Section 202 of the Job Training Partnership Act (PL 97-300) shall be subject to the limitation that the seventy-eight percent (78%) of the Job Training Partnership Act funds required by Section 202(a)(1) of the act to be allocated for service delivery areas shall be allocated according to the formula set out in Section 202(a)(2).

——LEGISLATIVE OVERSIGHT OF EMPLOYMENT AND TRAINING PROGRAMS

Sec. 123. The Joint Legislative Commission on Governmental Operations shall perform the following oversight duties relating to the State employment and training programs:

(1) Oversee the effectiveness of the State Job Training Coordinating Council's efforts to meet the State's employment goals for employment and training of its citizens;

(2) Oversee the administration of the Job Training Partnership Act;

(3) Review and comment on the Governor's Coordination and Special Services Plan and all other reports submitted by the State Job Training Coordinating Council to the Governor, the United States Department of Labor, and the presiding officers of the General Assembly; and

(4) Review and comment on the goals and objectives developed by the State Job Training Coordinating Council to guide the Private Industry Councils in preparation of service delivery area plans.

The Fiscal Research Division shall provide principal staff assistance to the Joint Legislative Commission on Governmental Operations in carrying out its duties pursuant to this section. Appropriate legal staff from the General Research Division shall also provide assistance to the Commission, as needed.

The State Job Training Coordinating Council shall report to the President of the Senate, the Speaker of the House of Representatives, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division, by May 1 of each year. The report shall include an analysis of the State's employment and training efforts, an analysis of the effectiveness of the State Job Training Coordinating Council in meeting employment and future training needs of the client population, the effect of private industry involvement, and recommended actions to improve delivery of services and training opportunities for the client population.

——BIENNIAL STATE OF THE ENVIRONMENT REPORT

Sec. 124. Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-278.1. *Biennial State of the Environment Report.*—The Secretary of the Department of Natural Resources and Community Development shall report on the state of the environment to the General Assembly no later than January 1 of each odd-numbered year beginning on January 1, 1987. The report shall include:

(1) An identification of environmental protection issues and problems related to managing the State's natural resources;
(2) Trends in the quality and use of North Carolina's air and water resources;
(3) Areas of the State where air or water pollution is evident or may occur during the upcoming biennium;
(4) Current efforts and resources allocated by the Department to correct identified pollution problems and an estimate, if necessary, of additional resources needed to study, identify, and implement solutions to solve potential problems;
(5) Departmental goals and strategies to protect the natural resources of the State;
(6) Suggested legislation, if necessary; and
(7) Any other information on the state of the environment the Secretary considers appropriate.

Other State agencies involved in protecting the State's natural resources and environment shall cooperate with the Department of Natural Resources in preparing this report."

——PARTICIPATION IN THE NUTRIENT SENSITIVE WATERSHED PROJECT

Sec. 125. Participation in the Nutrient Sensitive Watershed Project shall be voluntary. In addition to funding of agricultural projects, funds appropriated may be used to provide grants to units of local government and water and sewer authorities for the purpose of conducting joint State and local nutrient sensitive water quality studies in the targeted watersheds. These studies may include monitoring, testing, data gathering, and other appropriate components related to nutrient reduction techniques. Purchase and installation of phosphate removal equipment in public wastewater treatment systems in the targeted watersheds may not be required by the State until studies showing a need for this equipment have been completed and reviewed by the Environmental Management Commission.

All participants in the Nutrient Sensitive Watershed Project shall be required to match State funds at the same rate, and assistance from the Agriculture Extension Service at North Carolina State University shall also be used.

——IMPLEMENTATION OF PROJECT

Sec. 126. Detailed plans for implementing the agricultural portion of the Nutrient Sensitive Watershed Project shall be reviewed and suggested changes and reasons therefor shall be given by a committee

consisting of the Master of the North Carolina State Grange, President of the North Carolina Farm Bureau Federation, the North Carolina Commissioner of Agriculture, the Dean of the School of Agriculture and Life Sciences at North Carolina State University, the Chairman of the State Soil and Water Conservation Commission, and the President of the North Carolina Association of Soil and Water Conservation Districts. The committee shall review implementation of the agricultural portion of the Nutrient Sensitive Watershed Project prior to expenditure of any funds for that portion of the program. Certification documenting the committee's review of implementation of the agricultural grants program shall be made in writing to the Speaker of the House of Representatives, the President of the Senate, and Chairmen of the Appropriations Committees of the Senate and the House of Representatives.

——STATE PARKS AND RECREATION FIELD STAFF UTILIZATION

Sec. 127. Notwithstanding any limitations placed on funds appropriated in prior fiscal years for field staff for the Department of Natural Resources and Community Development, Division of Parks and Recreation, funds appropriated in Section 2 of this act to the Department of Natural Resources and Community Development, Division of Parks and Recreation, for field staff may be used by the Division to place its field staff wherever they are most needed.

——JAMES K. POLK STATE OFFICE BUILDING

Sec. 128. Employees of the Department of Natural Resources and Community Development currently housed in the Mooresville Regional Field Office Building shall be relocated prior to December 31, 1986, to the James K. Polk State Office Building in Charlotte. Required renovations of the James K. Polk State Office Building shall be completed prior to December 1, 1986.

PART XI.——COMMERCE

——WANCHESE HARBOR DEVELOPMENT REPORT

Sec. 129. The Secretary of the Department of Commerce shall develop a plan for the use of the Wanchese Harbor Seafood Development Park, for which funds were initially requested in 1974. This plan shall be submitted to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division, no later than December 1, 1985.

——WOMEN IN ECONOMIC DEVELOPMENT REPORT

Sec. 130. The Secretary of the Department of Administration shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division, by June 7, 1986, on the effectiveness of the Women in Economic Development Division of the Department of Administration from March 6, 1985, to May 31, 1986. The report shall include a description of activities undertaken to assist women in small business and economic development, achievements, and efforts the Department has taken to integrate this program into the economic

development efforts of the State that are implemented through the Department of Commerce.

——TOURISM GRANT LIMITATION

Sec. 131. The Department of Commerce may not grant more than five thousand dollars ($5,000) to any one grantee during a fiscal year to promote tourism. No grantee may receive a grant in two consecutive fiscal years. All grants by the Department of Commerce to promote tourism shall be made on condition that the grantee match the grant on a dollar-for-dollar basis. Grants to promote tourism may not be used for the following purposes:

(1) Capital construction;
(2) Routine operating expenses normally paid by the grantee; or
(3) Existing programs of the grantee.

——BIOTECHNOLOGY CENTER RESERVE/NONREVERTING

Sec. 132. Funds appropriated in Section 2 of this act into the Reserve for Biotechnology Center shall remain available until expended and may not revert to the General Fund at the end of each fiscal year.

PART XII.——AGRICULTURE

——AGRICULTURAL MARKETING REPORT

Sec. 133. The Commissioner of Agriculture shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by May 1, 1986, concerning the activities of the Department of Agriculture's Marketing Division in developing new and expanded markets for the State's agricultural products. Included in the report shall be how the agricultural industry recruitment efforts of the Department of Agriculture are coordinated with those of the Department of Commerce.

Sec. 134. The Board of Governors of The University of North Carolina shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on or before May 1, 1986, on its activities in management and marketing of agricultural products.

PART XIII.——ATTORNEY GENERAL

——USE OF PRIVATE COUNSEL BY BOARDS AND COMMISSIONS LIMITED

Sec. 135. (a) Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-2.3. *Use of private counsel limited.*—Every agency, institution, department, bureau, board, or commission of the State, authorized by law to retain private counsel, shall obtain written permission from the Attorney General prior to employing private counsel. This section does not apply to counties, cities, towns, other municipal corporations or political subdivisions of the State, or any agencies of these municipal corporations or political subdivisions, or to county or city boards of education."

(b) This section is effective upon ratification.

——PRIVATE COUNSEL BY STATE AGENCIES

Sec. 136. (a) G.S. 147-17(a) is amended by adding a new sentence after the first sentence to read:

"The Governor shall give his approval only if the Attorney General has advised him, as provided in subsection (b) of this section, that it is impracticable for the Attorney General to render the legal services."

(b) G.S. 147-17(a) is amended by inserting immediately after the word "department" the language ", officer".

(c) The first sentence of G.S. 147-17(b) is amended by adding immediately after the word "departments", the language ", officers".

(d) The second sentence of G.S. 147-17(b) is amended by adding immediately after the word "agency" the language ", officer".

(e) This section is effective upon ratification.

——COMMON LAW POWERS

Sec. 137. (a) Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-1.1. *Common law powers.*—The General Assembly reaffirms that the Attorney General has had and continues to be vested with those powers of the Attorney General that existed at the common law, that are not repugnant to or inconsistent with the Constitution or laws of North Carolina."

(b) This section is effective upon ratification.

——USE OF PRIVATE INVESTIGATORS BY STATE AGENCIES LIMITED

Sec. 138. Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-15.2. *Use of private investigators limited.*—No State executive officer, department, agency, institution, commission, bureau, or other organized activity of the State that receives support in whole or in part from the State except for counties, cities, towns, other municipal corporations or political subdivisions of the State or any agencies of these subdivisions, or county or city boards of education may employ a private investigator without the consent of the Attorney General. If the Attorney General determines that it is impracticable for the Bureau to conduct the investigation, the Attorney General shall employ a private investigator and shall fix the compensation for his services. The cost of the private investigator shall be paid from funds credited to the entity requesting the investigation or from the Contingency and Emergency Fund."

——ADDITIONAL COMPUTER EQUIPMENT

Sec. 139. If a department acquires computer equipment, and if the department elects to deal with its present supplier, then the department, in its negotiations with the provider of the equipment, may not extend, either under the contract or otherwise, the term of the lease.

——INTERNS

Sec. 140. Article 1 of Chapter 114 of the General Statutes is amended by adding a new section to the end to read:

"§ 114-8.1. *Attorney General interns.*—The Attorney General may select interns to work in the Attorney General's Office from institutions of higher education, including the constituent institutions of The University of North Carolina. The Attorney General may adopt policies or rules to provide for the selection, tenure, duties, and compensation of these interns."

PART XIV.——CORRECTION

——MEDICAL COST REPORT

Sec. 141. The Department of Correction shall report by May 15, 1986, to the Chairmen of the Appropriations Base Budget and Appropriations Expansion Budget Committees of the Senate and the House of Representatives and to the Fiscal Research Division on the costs of all types of contractual medical services. This report shall include recommendations on methods that could be adopted to limit the cost of providing medical services within the State's prisons.

——DEPARTMENT OF CORRECTION/CONSTRUCTION PROJECTS

Sec. 142. Notwithstanding the provisions of G.S. 143-128, the Departments of Correction and Administration, with the approval of the Director of the Budget and within the capital improvement funds available, may enter into combined contracts for design of or combined contracts for construction work on facilities for the Department of Correction.

PART XV.——CRIME CONTROL

——SEPARATION ALLOWANCES/LAW ENFORCEMENT OFFICERS

Sec. 143. (a) G.S. 143-166.41(a) is amended in the first sentence by adding the words "as defined by G.S. 135-1(11b) or G.S. 143-166.30(a)(4)" between the words "officer" and "employed"; and is further amended by deleting the period at the end of subdivision (2) and by substituting "; and"; and is further amended by adding subdivision (3) to read:

"(3) Have completed at least five years of continuous service as a law enforcement officer as herein defined immediately preceding a service retirement."

(b) G.S. 143-166.41(b) is amended by deleting the word "member" and substituting the phrase "member, provided that at least seventy-five percent (75%) of the service is as a law enforcement officer as herein defined".

(c) G.S. 143-166.41(c) is amended by deleting the word "age" and substituting the phrase "age or upon the first day of reemployment by any State department, agency, or institution".

(d) G.S. 143-166.41(d) is amended by adding a sentence to the end to read: "The benefits payable under this section shall not be subject to any increases in salary or retirement allowances that may be authorized

by the General Assembly for employees of the State or retired employees of the State."

(e) Subsections (a) and (b) of this section apply only for allowances first payable on or after July 1, 1985.

PART XVI.——CULTURAL RESOURCES

——SYMPHONY MUST GENERATE ¼ OF OPERATING BUDGET

Sec. 144. If receipts from ticket sales and special events do not equal twenty-five percent (25%) of the North Carolina Symphony Society, Inc.'s, operating budget for the 1985-86 fiscal year, it is the intent of the General Assembly to decrease appropriations to it by ten percent (10%) for the 1986-87 fiscal year.

The Society shall report to the chairmen of the Senate and House of Representatives Appropriations Base Budget Committees and to the Fiscal Research Division, by June 1, 1986, on receipts and expenditures to date and projected receipts and expenditures for the remainder of the fiscal year.

——SYMPHONY ENDOWMENT

Sec. 145. (a) Notwithstanding the provisions of Section 118 of Chapter 761 of the 1983 Session Laws, funds remaining in the special reserve account for the North Carolina Symphony Society that was created by Section 118 of Chapter 761 of the 1983 Session Laws shall revert to the General Fund on June 30, 1987.

Transfer of funds from this special reserve account to the North Carolina Symphony Society shall be subject to the terms and conditions set out in Section 118 of Chapter 761 of the 1983 Session Laws except that the required matching funds shall be monies raised or pledged after June 30, 1985, deposited to the Endowment Account, and retained as principal in that Account.

The Society shall report on the Endowment Account to the chairmen of the Appropriations Base and Expansion Budget Committees of the Senate and House of Representatives and to the Fiscal Research Division, no later than 30 days prior to the convening of the 1987 General Assembly. The report shall include a description of the funds on deposit in the Endowment Account and of the investment earnings on these funds, for each of the fiscal years from 1983 through 1986.

(b) This section shall become effective June 30, 1985.

——NORTH CAROLINA SYMPHONY/GRANT-IN-AID FUNDS

Sec. 146. As a condition of accepting State grant-in-aid funds for 1985-86 and 1986-87, the North Carolina Symphony shall operate within a balanced budget.

——STATE HISTORIC SITE SCHEDULE

Sec. 147. The Department of Cultural Resources shall operate the State Historic Sites so that the State is not obligated to pay overtime to employees for the regular operation of the sites.

The Department shall report by January 1 of each year to the chairmen of the Appropriations Base Budget and Appropriations Expansion Budget Committees of the Senate and the House of Representatives and to the Fiscal Research Division on the net operating cost per visitor at each site.

——ROANOKE ISLAND CENTER RESERVE

Sec. 148. Section 13 of Chapter 1116 of the 1984 Session Laws is amended by deleting "one million five hundred thousand dollars ($1,500,000)" and substituting "five hundred thousand dollars ($500,000)"; further by deleting "three-to-one" and substituting "one-to-one"; and by adding a new sentence at the end to read:

"The local matching funds shall be expended at the same rate as the State funds and the five hundred thousand dollars ($500,000) of State funds appropriated by this section shall be the total State funds expended for this project. If more than one million dollars ($1,000,000) is required to complete the project, the balance shall be made up entirely of non-State money."

PART XVII.——GOVERNOR AND OFFICE OF STATE BUDGET

——HOUSING COMMISSION FUNDS

Sec. 149. Chapter 778 of the 1983 Session Laws, as amended by Section 132 of Chapter 1034 of the 1983 Session Laws (Regular Session 1984), is amended by adding a new section to read:

"Sec. 3. The expenses of the Commission shall be paid from nontax revenues in the Housing Finance Agency."

——COPIES OF EXECUTIVE ORDERS

Sec. 150. G.S. 147-16.1 is amended by deleting "may" both places those words appear, and substituting "shall".

Sec. 151. The second sentence of G.S. 147-16.1 is amended by inserting after the words "executive orders" the words "on the day of issuance".

Sec. 152. (a) G.S. 147-16.1 is amended by adding the following new sentence at the end: "The Governor's office shall also send a copy of each executive order to the President of the Senate, to the Speaker of the House of Representatives, to the Principal Clerk of the House of Representatives and to the Principal Clerk of the Senate."

(b) If H.B. 52, 1985 Session, is ratified and rewrites G.S. 147-16.1, subsection (a) of this section shall be codified as an amendment to G.S. 147-16.1 as rewritten.

——PAY INCENTIVE PROGRAM REPEALED

Sec. 153. (a) Article 11 of Chapter 126 of the General Statutes is repealed.

(b) G.S. 120-123(16) is repealed.

——MUSEUM BUDGETS IN SEPARATE FUNDS

Sec. 154. The Director of the Budget shall, for the 1985-86 fiscal year and for subsequent fiscal years, certify the budgets of the Museum of Natural History in Raleigh and the North Carolina Maritime Museum in Beaufort in separate funds.

——NON-STATE MATCH DEFINED

Sec. 155. Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-31.4. *Non-State match restrictions.*—Whenever money is required to match an appropriation made for a specific purpose by the State of North Carolina, the recipient of the appropriation shall actually receive as a gift, grant, earnings in actual money, or a pledge that can be used as collateral in any prudent loan transaction, the matching amount required. The recipient shall retain the matching amount received in its possession until spent for that purpose and shall spend an equal percentage of the appropriation and of the matching amount each time an expenditure is made, unless the individual appropriation requires otherwise."

——OVER REALIZED RECEIPTS

Sec. 156. The first paragraph of G.S. 143-27 is amended by rewriting the proviso to read:

"Provided, however, that if the receipts, other than gifts and grants that are unanticipated and are for a specific purpose only, collected in a fiscal year by an institution, department, or agency exceed the receipts certified for it in General Fund Codes or Highway Fund Codes, the Director of the Budget shall decrease the amount he allots to that institution, department, or agency from appropriations from that Fund by the amount of the excess, unless the Director of the Budget finds that the appropriations from that Fund are necessary to maintain the function that generated the receipts at the level anticipated in the certified Budget Codes for that Fund."

Sec. 157. The second paragraph of G.S. 143-27 is rewritten to read:

"The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office within 30 days after the end of each quarter on expenditures of receipts in excess of the amounts certified in General Fund Codes or Highway Fund Codes that did not result in a corresponding reduced allotment from appropriations from that Fund."

——UNENCUMBERED BALANCES TO REVERT TO TREASURY

Sec. 158. G.S. 143-18 is rewritten to read:

"§ 143-18. *Unencumbered balances to revert to treasury; capital appropriations excepted.*—All unencumbered balances of maintenance appropriations shall revert to the State treasury to the credit of the general fund or special funds from which the appropriation and/or appropriations, were made and/or expended, at the end of each fiscal year; except that capital expenditures for the purchase of land, the erection of buildings, new construction or renovations in progress shall continue in

force until the attainment of the object or the completion of the work for which the appropriations are made; except that maintenance appropriations to the General Assembly shall remain available until expended, unless otherwise provided by the Legislative Services Commission.

As used in this section, 'unencumbered' means not obligated in the form of purchase orders, contracts, renovations in progress or salary commitments."

——NO TRANSFERS BETWEEN ITEMS IN THE BUDGET

Sec. 159. G.S. 143-23 is amended by deleting the second sentence in G.S. 143-23 and by adding a new subsection to read:

"(a1) No transfers may be made between line items in the budget of any department, institution, or other spending agency; however, with the approval of the Director of the Budget, a department, institution, or other spending agency may spend more than was appropriated for a line item if the overexpenditure is:

(1) In a program for which funds were appropriated for that fiscal period and the total amount spent for the program is no more than was appropriated for the program for the fiscal period;
(2) Required to continue a program because of unforeseen events, so long as the scope of the program is not increased;
(3) Required by a court, Industrial Commission, or administrative hearing officer's order or award or to match unanticipated federal funds;
(4) Required to respond to an unanticipated disaster such as a fire, hurricane, or tornado; or
(5) Required to call out the National Guard.

The Director of the Budget shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office the reason if the amount expended for a program is more than the amount appropriated for it from all sources.

Funds appropriated for salaries and wages may only be used for salaries and wages or for premium pay, overtime pay, longevity, unemployment compensation, workers' compensation, temporary wages, contracted personal services, moving expenses, payment of accumulated annual leave, certain awards to employees, tort claims, and employer's social security, retirement, and hospitalization payments: provided, however, funds appropriated for salaries and wages may also be used for purposes for which over expenditures are permitted by subdivisions (3), (4), and (5) of this subsection but the Director of the Budget shall include such use and the reason for it in his quarterly report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office. Salary funds that become available from vacant positions may not be used for new employee positions or to raise the salary of existing employees.

As used in this subsection, 'program' means a group of expenditure and receipt line items for support of a specific budgeted activity outlined in the certified budget for each department, agency, or institution, as

designated by the four-digit fund (purpose) number in the Budget Preparation System."

Sec. 160. G.S. 143-34.5 is repealed.

Sec. 161. Sections 156 through 160 of this act shall become effective July 1, 1985; provided, however, from July 1, 1985, through June 30, 1986, these sections do not apply to the extent that the Director of the Budget finds that compliance is impossible and that deviation is necessary because of complications in the budget process that were not contemplated in these sections.

The Director of the Budget shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on any deviations from Sections 156 through 160 of this act and the reasons it was impossible to comply. The Director of the Budget may also report proposed amendments to Sections 156 through 160 of this act.

PART XVIII.——ADMINISTRATION

——COORDINATION OF STUDIES

Sec. 162. The Secretary of Administration and the State Budget Officer shall report on or before the convening of the 1986 Session of the 1985 General Assembly to the chairmen of the Appropriations Base and Expansion Budget Committees of the Senate and the House of Representatives and to the Fiscal Research Division on their joint efforts to ensure that studies conducted by the Office of Administrative Analysis, Department of Administration, and studies conducted by the Office of State Budget and Management are fully coordinated and are not duplicative.

——REORGANIZATION/ADMINISTRATION AND GOVERNOR'S OFFICE

Sec. 163. The Department of Administration and the Governor's Office shall take the necessary steps to ensure that personnel working in an organizational entity are budgeted in and supervised by the same entity. Any resulting reorganization shall attempt to consolidate the various intergovernmental relations functions within both departments.

The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division regarding positions and funds to be transferred, the new organizational structure, and the potential savings from the reorganization.

——INTERNAL REORGANIZATION REPORTS

Sec. 164. G.S. 143B-12 is amended by designating the text of that section as subsection (a) and adding at the end a new subsection (b) to read:

"(b) The Governor shall report all transfers of departmental functions under this section to the President of the Senate, the Speaker of the House of Representatives, the Chairmen of the Appropriations Committees in the Senate and the House of Representatives, and the Fiscal Research Division

of the Legislative Services Office, within 30 days after the transfer if the General Assembly is in session, otherwise to the Joint Legislative Committee on Governmental Operations and the Fiscal Research Division of the Legislative Services Office, within 30 days after the transfer. The report shall include the rationale for the transfer and the increased efficiency in operations expected from the transfer."

——LAND RECORDS MANAGEMENT PROGRAM/TRANSFER

Sec. 165. (a) The Land Records Management Program in the Department of Administration is transferred to the Land Resources Division in the Department of Natural Resources and Community Development. The transfer shall include the professional personnel currently working in the program, other budgeted costs, and all equipment purchased for the operation of the program. The Department of Natural Resources and Community Development shall provide adequate space in close proximity to the Land Resources Division and shall provide clerical assistance. The Department of Natural Resources and Community Development shall use available staff positions formerly associated with assisting the Land Policy Council to enhance implementation of the Land Records Management Program.

(b) G.S. 102-15 is amended by deleting the phrase "Department of Administration" wherever it appears, and substituting "Department of Natural Resources and Community Development".

(c) G.S. 102-17(4) is amended by deleting "Department of Administration", and substituting "Department of Natural Resources and Community Development".

(d) G.S. 143-345.6(a) is amended by deleting "of Administration".

(e) G.S. 143-345.6(c)(1) is amended by deleting ", in cooperation with the Secretary of the Department of Natural Resources and Community Development,".

(f) This section shall become effective August 1, 1985.

——LIMIT MEMBERSHIP OF JOBS FOR VETERANS COMMITTEE

Sec. 166. The first sentence of G.S. 143B-420(a) is amended by deleting the language "with such members as the Governor shall appoint" and substituting "with one member from each Congressional district, appointed by the Governor".

——FAMILY VIOLENCE PROGRAM FUNDS

Sec. 167. (a) The Department of Administration may secure federal and other non-State funds in the amount of seventy-five thousand dollars ($75,000) to provide assistance to the Coastal Plain Women's Crisis Center, Inc., to support shelter services, counseling, and community education for victims of family violence in the following counties: Craven, Carteret, and Pamlico.

(b) The Department of Administration may secure federal and other non-State funds in the amount of two hundred fifty thousand dollars ($250,000) to provide assistance to Reach, Inc., Respect, Inc., and any other nonprofit corporation organized to support shelter services, counseling, and community education for victims of family violence in the following

counties: Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Polk, Swain, and Transylvania.

(c) The Department of Administration may secure federal and other non-State funds to provide assistance to any nonprofit corporation organized to support shelter services, counseling, and community education for victims of family violence.

——ASSIGNMENT OF CARS TO STATE AGENCIES

Sec. 168. G.S. 143-341(8)i.5. is rewritten to read:

"5. Upon proper requisition, proper showing of need for use on State business only, and proper showing of proof that all persons who will be driving the motor vehicle have valid drivers' licenses, to assign suitable transportation, either on a temporary or permanent basis, to any State employee or agency. An agency assigned a motor vehicle may not allow a person to operate that motor vehicle unless that person displays to the agency and allows the agency to copy that person's valid driver's license. The agency shall send a copy of the driver's license of each person operating the motor vehicle to the Department of Administration, Division of Motor Fleet Management. Notwithstanding G.S. 20-30(6), persons or agencies requesting assignment of motor vehicles may photostat or otherwise reproduce drivers' licenses for purposes of complying with this section."

——PRIVATE LICENSE TAGS ON STATE-OWNED CARS AUTHORIZED

Sec. 169. (a) Pursuant to the provisions of G.S. 14-250, for the 1985-87 fiscal biennium, the General Assembly authorizes the use of private license tags on State-owned motor vehicles only for the State Highway Patrol and for the following:

Department	*Number*	*Exemption Category*	*Total Number*
Administration:	1	Capitol Police	1
Motor Vehicles:	97	License and Theft	97
Justice:	277	SBI Agents	277
Crime Control and Public Safety	127	ALE Officers	
	2	Governor's Mansion	129

(b) Except as provided in this section, all State-owned motor vehicles shall bear permanent registration plates issued under G.S. 20-84.

——COMMUTING BY STATE EMPLOYEES

Sec. 170. G.S. 143-341(8)i.7a. is amended by rewriting the third paragraph to read:

"Every individual who uses a State-owned passenger motor vehicle, pickup truck, or van to drive between his official work station and his home, shall reimburse the State for these trips at a rate computed by the Department. This rate shall approximate the benefit derived from the use of the vehicle as prescribed by federal law. Reimbursement shall be made by payroll deduction. Funds derived from reimbursement on vehicles

owned by the Motor Fleet Management Division shall be deposited to the credit of the Division; funds derived from reimbursements on vehicles initially purchased with appropriations from the Highway Fund and not owned by the Division shall be deposited in a Special Depository Account in the Department of Transportation, which shall revert to the Highway Fund; funds derived from reimbursement on all other vehicles shall be deposited in a Special Depository Account in the Department of Administration which shall revert to the General Fund. Commuting, for purposes of this paragraph, does not include those individuals whose office is in their home or those individuals whose office is in their vehicle, as determined by the Department of Administration, Division of Motor Fleet Management, and as required by law."

Sec. 171. The third sentence of G.S. 20-48(c) is repealed.

——STATE SALES OR LEASES AT FAIR MARKET VALUE

Sec. 172. (a) Article 7 of Chapter 146 of the General Statutes is amended by adding a new section to read:

"§ 146-29.1. *Lease or sale must not be for less than fair market value.*—No land owned by the State or by any State agency may be sold, leased, or rented at less than fair market value. This section applies to sales, leases, and rentals to any person, except that it does not apply to sales, leases, or rentals to the United States or any of its agencies, to municipal corporations, special districts, political subdivisions of the State, or local school administrative units, and does not apply to transfers between State agencies. Any sale, lease, or rental of land owned by the State or by any State agency to the United States or any of its agencies, to municipal corporations, special districts, political subdivisions of the State, or local school administrative units shall be reported to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division, with the details of such transaction."

(b) This section does not apply to contracts entered into prior to the effective date of this section. This section shall become effective August 1, 1985.

——LEASE EXCEPTIONS

Sec. 173. G.S. 146-32(3) is amended by adding the following immediately before the period at the end: ", unless the class of lease or rental:

a. is a lease or rental necessitated by a fire, flood, or other disaster that forces the agency seeking the new lease or rental to cease use of real property; or
b. is a lease or rental necessitated because an agency had intended to move to new or renovated real property that was not completed when planned, but a lease or rental exempted under this subparagraph may not be for a period of more than six months".

——STATE AGENCIES TO USE STATE-OWNED OFFICE SPACE

Sec. 174. G.S. 143-341(4) is amended by adding a new subpart to read:

"d1. To require all State departments, institutions, and agencies to use State-owned office space instead of negotiating or renegotiating leases for

rental of office space. Any lease entered into contrary to the provisions of this paragraph is voidable in the discretion of the Governor and the Council of State.

The Department of Administration shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division no later than May 1 of each year on leased office space."

——STATE SURPLUS PROPERTY WAREHOUSE/FUNDS

Sec. 175. There is appropriated from the Equipment Reserve Fund to the Department of Administration the sum of one hundred thousand dollars ($100,000) for the 1985-86 fiscal year and the sum of one hundred thousand dollars ($100,000) for the 1986-87 fiscal year for the operation of the State Surplus Property Warehouse.

PART XIX.——GENERAL ASSEMBLY

——LEGISLATIVE EXCESS INDEMNITY INSURANCE

Sec. 176. (a) G.S. 120-32 is amended by adding a new subdivision to read:

"(12) Provide insurance to provide excess indemnity for any occurrence which results in a claim against any member of the General Assembly, as provided in G.S. 143-300.2 through G.S. 143-300.6. That insurance may not provide for any indemnity to be payable for any claim not covered by the above cited statutes, nor for any criminal act by a member, nor for any act committed by a member or former member prior to the inception of insurance."

(b) G.S. 120-32 is amended by adding a new subdivision to read:

"(13) Provide insurance to provide excess indemnity for any occurrence that results in a claim against any employee, officer, or committee, subcommittee, or commission member in the legislative branch other than a member of the General Assembly, as provided in G.S. 143-300.2 through G.S. 143-300.6. That insurance may not provide for any indemnity to be payable for any claim not covered by the above cited statutes, nor for any criminal act, nor for any act committed prior to the inception of insurance."

(c) Subsection (a) of this section shall become effective with respect to insurance commencing on or after convening of the 1987 Regular Session of the General Assembly. Subsection (b) of this section is effective upon ratification.

PART XX.——TRANSPORTATION

——AMTRAK FUNDING

Sec. 177. Of the funds appropriated to the Department of Transportation from the Highway Fund in Section 3 of this act, the sum of five hundred thousand dollars ($500,000) for each year of the 1985-87 biennium, which is designated "State Aid Public Transportation", may be used only for the State's share of the operating cost of the Amtrak Passenger Service and may not be used for any other purpose. These funds shall be allotted on a quarterly basis. The expenditure of State operating

funds in excess of this amount is prohibited and the Department of Transportation shall continue reporting to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on a quarterly basis on this expenditure. Further, the funding is contingent upon continued federal funding and a written agreement with Amtrak to continue this service to North Carolina. In addition, the Joint Legislative Commission on Governmental Operations shall review and comment on the agreement made between the State of North Carolina and Amtrak pursuant to the provisions of G.S. 120-76(1) and G.S. 120-76(6).

The Department's quarterly reports to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division shall include:

(1) The current operating and capital costs for the service;
(2) Information on needed improvements to facilities;
(3) The number of passengers using train service and passenger miles from various points along the route; and
(4) Cost sharing by local governments and other public and private organizations.

——DREDGING FOR STATE AGENCIES

Sec. 178. The Department of Transportation may perform dredging for other State departments using the Department of Transportation's resources. The other State departments shall reimburse the Department of Transportation for that portion of the total cost incurred in dredging that would not have been incurred had the dredge been at dockside.

——INVESTIGATIVE UNIT

Sec. 179. The Investigative Unit, which is under the Assistant Secretary for Administration, Department of Transportation, may employ no more than one person. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on the activities of this unit.

——LOCAL GOVERNMENT TRANSPORTATION GRANT REPORTS

Sec. 180. The Public Transportation Division of the Department of Transportation shall report on the amount of State funds required to match federal public transportation grants for local governments during the 1986-87 fiscal year. The report shall include:

(1) The amount of federal public transportation funds available to, and requested by, each local government that requires a State match;

(2) The actions taken by the local government to commit funds for the local match and the dates of those actions; and

(3) The anticipated month during the 1986-87 fiscal year when the State and local funds must be committed in order to receive the federal funds.

Copies of the report shall be submitted by April 15, 1986, to the Governor, the Advisory Budget Commission, the Joint Legislative Commission on Governmental Operations, the chairmen of the Appropriations Expansion Budget Committees of the Senate and the House of Representatives, the chairmen of the Appropriations Committees

on Natural and Economic Resources of the Senate and the House of Representatives, and the Fiscal Research Division.

——TRANSPORTATION COST REDUCTION REPORT

Sec. 181. No later than March 1, 1986, the Secretary of Transportation shall provide a report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division that details the operational improvements, cost reductions, and personnel reductions that can be achieved in the 1986-87 fiscal year in all programs administered by the Department of Transportation. The report shall also identify the impacts of these actions on the level of service being provided by each program and the impact of these actions on the budget requirements of the Department for the 1986-87 fiscal year.

——DRIVERS' LICENSE EXAMINER POSITIONS

Sec. 182. Of the funds appropriated to the Department of Transportation in Section 3 of this act, the sum of five hundred one thousand three hundred forty-one dollars ($501,341) shall be used to support the 31 personnel positions for drivers' license examiners that were authorized by the 1984 Session of the 1983 General Assembly to be supported from receipts.

——MOTOR VEHICLE REGISTRATION RESTORATION

Sec. 183. Funding for the 36 process server and clerical positions in the Division of Motor Vehicles related to enforcement of the Vehicle Financial Responsibility Act shall end effective July 1, 1986. Any vacancies occurring in these positions during the 1985-86 fiscal year may not be filled.

——HIGHWAY FUND/CAP ON DRIVER TRAINING FUNDS

Sec. 184. The twenty-one million four hundred seventy thousand two hundred eighty-two dollars ($21,470,282) appropriated in each year of the 1985-87 fiscal biennium for the Driver Training and Safety Education Program is the maximum amount from the Highway Fund that may be used for this purpose, except for funds for salary increases and enrollment increases approved by the General Assembly.

——CONSULTATION WITH TRANSPORTATION BOARD MEMBER RESIDING IN A HIGHWAY DISTRICT

Sec. 185. G.S. 143B-350 is amended by adding a new subsection to read:

"(h) Each member of the Board of Transportation representing a highway engineering division, or residing in that highway engineering division if the member is appointed from the State at large, shall be consulted before the Board makes a decision affecting that division."

——RELOCATION OF SEWERS IN HIGHWAY RIGHT-OF-WAY/COST

Sec. 186. (a) G.S. 136-27.1 is rewritten to read:

"§ 136-27.1. *Relocation of water and sewer lines of municipalities and nonprofit water sewer corporations or associations.*--The Department of

Transportation shall pay the nonbetterment cost for the relocation of water and sewer lines, located within the existing State highway right-of-way, that are necessary to be relocated for a State highway improvement project and that are owned by: (i) a municipality with a population of 5,000 or less according to the latest decennial census; (ii) a nonprofit water or sewer association or corporation; or (iii) any water or sewer system organized pursuant to Chapter 162A of the General Statutes."

(b) This section applies only to State highway improvement projects let to contract after July 1, 1985.

——WETLANDS BANK

Sec. 187. The Department of Transportation may expend up to five hundred thousand dollars ($500,000) from the Highway Fund cash balances to acquire a mitigating wetlands bank for use in connection with State highway projects. The Department of Transportation may also improve, maintain, and convey those lands pursuant to agreements with the Nature Conservancy and appropriate federal and State agencies in order to maintain those areas as a wildlife habitat.

Sec. 188. Unassigned.

PART XXI.——EMPLOYEE BENEFITS AND SALARIES

——COST OF LIVING ADJUSTMENTS FOR RETIREES/TEACHERS, STATE EMPLOYEES, JUDICIAL PERSONNEL

Sec. 189. (a) G.S. 135-5 is amended by adding a new subsection (jj) to read:

"(jj) From and after July 1, 1985, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1984, shall be increased by four percent (4%) of the allowance payable on July 1, 1984, in accordance with G.S. 135-5(o). Furthermore, from and after July 1, 1985, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1984, but before June 30, 1985, shall be increased by a prorated amount of four percent (4%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1984, and June 30, 1985."

(b) G.S. 135-65 is amended by adding a new subsection (f) to read:

"(f) From and after July 1, 1985, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1984, shall be increased by four percent (4%) of the allowance payable on July 1, 1984. Furthermore, from and after July 1, 1985, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1984, but before June 30, 1985, shall be increased by a prorated amount of four percent (4%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1984, and June 30, 1985."

——FORMULA INCREASE/CONTINUATION OF UNREDUCED RETIREMENT AT AGE 60 WITH 25 YEARS' SERVICE

Sec. 190. (a) G.S. 135-5(b7) is amended in the caption and in the first sentence by deleting the phrase, "on or after July 1, 1980", and substituting the phrase, "on or after July 1, 1980, but prior to July 1, 1985", and G.S. 135-5(b8) is amended in the caption and in the first sentence thereof by deleting the phrase, "on or after July 1, 1985", and substituting the phrase, "on or after January 1, 1985, but prior to July 1, 1985".

(b) G.S. 135-5 is amended by the addition of a new subsection to read:

"(b9) Service Retirement Allowance of Members Retiring on or after July 1, 1985. Upon retirement from service, in accordance with subsection (a) above, on or after July 1, 1985, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and fifty-eight one hundredths percent (1.58%) of his average final compensation, multiplied by the number of years of his creditable service.

b. If the member's service retirement date occurs after his 50th and before his 55th birthday with 15 or more years of creditable service as a law enforcement officer and prior to his completion of 30 years of creditable service, his retirement allowance shall be computed as in a. above, but shall be reduced by one-third of one percent (⅓ of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 55th birthday.

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, such allowance shall be equal to one and fifty-eight hundredths percent (1.58%) of his average final compensation, multiplied by the number of years of his creditable service.

b. If the member's service retirement date occurs after his 60th and before his 65th birthday and prior to his completion of 25 or more years of creditable service, his retirement allowance shall be computed as in a. above but shall be reduced by one-quarter of one percent (¼ of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 65th birthday.

c. If the member's service retirement date occurs before his 60th birthday and prior to his completion of 30 or more years of creditable service, his service retirement allowance shall be the

actuarial equivalent of the allowance payable at the age of 60 years as computed in b. above.

d. Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1963, shall receive not less than the benefit provided by G.S. 135-5(b).

——RETIREMENT ALLOWANCE INCREASE

Sec. 191. G.S. 135-5 is amended by the addition of a new subsection to the end to read:

"(kk) From and after July 1, 1985, the retirement allowance to or on account of beneficiaries on the retirement rolls as of June 1, 1985, shall be increased by six-tenths percent (0.6%) of the allowance payable on June 1, 1985. This allowance shall be calculated on the basis of the allowance payable and in effect on June 30, 1985, so as not to be compounded on any other increases payable under subsection (o) of this section or otherwise granted by act of the 1985 Session of the General Assembly."

——SURVIVOR'S BENEFITS FOR DECEASED DISABLED MEMBERS

Sec. 192. (a) G.S. 135-5(c) is amended by the addition of a paragraph at the end to read:

"Notwithstanding the foregoing, the surviving designated beneficiary of a deceased member who met all other requirements for disability retirement benefits, except whose death occurred before the first day of the calendar month in which the member's disability retirement allowance was to be due and payable, may elect to receive the reduced retirement allowance provided by a fifty percent (50%) joint and survivor payment option in lieu of a return of accumulated contributions, provided the following conditions apply:

(1) The member had designated as the principal beneficiary, to receive a return of accumulated contributions at the time of his death, one and only one person, and

(2) The member had not instructed the Board of Trustees in writing that he did not wish the provision of this subsection to apply."

(b) G.S. 135-59 is amended by designating the first and second paragraphs as subsection (a) and adding a new subsection (b) to read:

"(b) Notwithstanding the foregoing, the surviving spouse of a deceased member who has met all other requirements for disability retirement benefits, except whose death occurred before the first day of the calendar month in which the member's disability retirement allowance was due and payable, and who was the designated beneficiary for a return of accumulated contributions and the final compensation death benefit as provided in G.S. 135-63, shall be paid in lieu of the return of accumulated contributions and the final compensation death benefit a monthly allowance equal to a reduced retirement allowance provided by a fifty percent (50%) joint and survivorship option, plus the allowance payable to a former member's surviving spouse, in the manner prescribed under G.S. 135-64 as though the former member had commenced retirement the first day of the month following his death."

(c) The provisions of subsections (a) and (b) of this section shall apply equally to the surviving designated beneficiaries of members of the

retirement systems who died within five years prior to the ratification of this act so long as such a surviving designated beneficiary returns to the appropriate retirement system any lump-sum benefits paid to the surviving designated beneficiary which are a precondition to the receipt of the monthly allowance. Any benefits due and payable under this section shall be prospective on and after ratification.

——UNUSED SICK LEAVE QUALIFIES FOR RETIREMENT

Sec. 193. Effective January 1, 1985, the first paragraph of G.S. 135-4(e) is amended by deleting the phrase, "but sick leave shall not be counted in computing creditable service for the purpose of determining eligibility for service retirement, disability retirement, early retirement or for a vested deferred allowance", and substituting the phrase, "but sick leave shall not be counted in computing creditable service for the purpose of determining eligibility for early retirement, disability retirement or for a vested deferred allowance".

——CONVERSION OF SERVICE OR EARLY RETIREMENT TO DISABILITY RETIREMENT

Sec. 194. Retroactive to July 1, 1984, G.S. 135-5(c) and G.S. 135-59 are amended by the addition of a paragraph at the end of each to read:

"Notwithstanding the foregoing to the contrary, any beneficiary who commenced retirement with an early or service retirement benefit has the right, within three years of this retirement, to convert to an allowance with disability retirement benefits without modification of any election of optional allowance previously made; provided, the beneficiary presents clear and convincing evidence that the beneficiary would have met all applicable requirements for disability retirement benefits while still in service as a member. The allowance on account of disability retirement benefits to the beneficiary shall be retroactive to the effective date of early or service retirement."

——NO RETIREMENT UNTIL LIABILITY FOR WRONGFULLY SPENDING FUNDS IS DISCHARGED

Sec. 195. G.S. 143-32(a) is amended by adding the following new sentences to the end to read: "Notwithstanding the provisions of Chapters 120, 128, 135, and 143 of the General Statutes, the board of trustees of the State administered retirement system may not pay any retirement benefits or allowances, except for withdrawn contributions, to any person found liable pursuant to this subsection until the person has paid to the State the sum required by this subsection, together with interest and costs. The Attorney General shall notify the retirement system of any member's outstanding liability under this subsection and shall also notify the retirement system when this liability has been removed."

——LOCAL GOVERNMENTAL LAW OFFICER RETIREMENT BENEFITS EQUALIZED

Sec. 196. (a) G.S. 7A-304(a)(3) is rewritten to read:

"(3) For the retirement and insurance benefits of both State and local governmental law enforcement officers, the sum of three dollars ($3.00),

to be remitted to the State Treasurer. Fifty cents (50¢) of this sum shall be administered as is provided in Article 12C of Chapter 143 of the General Statutes. One dollar and fifty cents ($1.50) of this sum shall be administered as is provided in Article 12E of Chapter 143 of the General Statutes. One dollar ($1.00) of this sum shall be administered as is provided in Article 12F of Chapter 143 of the General Statutes."

(b) G.S. 128-21 is amended by inserting a new subdivision to read:

"(11b) 'Law Enforcement Officer' means a full-time paid employee of an employer who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or for the general enforcement of the criminal laws of the State or for serving civil processes, and who possesses the power of arrest by virtue of an oath administered under the authority of the State."

(c) G.S. 128-23 is amended by adding a new subsection to read:

"(g) Notwithstanding any other provisions of this Article, any employer who is not a participating employer and who employs law enforcement officers transferred from the Law Enforcement Officers' Retirement System to this Retirement System on January 1, 1986, or who employs law enforcement officers electing to become members of this Retirement System on and after January 1, 1986, shall be employers participating in this Retirement System as this participation pertains to their law enforcement officers. The election of membership in this Retirement System shall be at the sole discretion of law enforcement officers of participating employers described in this subsection."

(d) G.S. 128-24(1) is amended by deleting the first sentence and substituting the following: "All employees entering or reentering the service of a participating employer after the date of participation in the Retirement System of the employer."

(e) G.S. 128-24(2) is amended in the first sentence by deleting the first proviso, beginning with the words "Provided, that persons" and ending with the phrase "shall not be members:".

(f) G.S. 128-24(5) is amended by inserting new paragraphs "b1" and "b2" to read:

"b1. In lieu of the benefits provided in paragraphs a and b of this subdivision, any member who is a law enforcement officer at the time of separation from service prior to the attainment of the age of 50 years, for any reason other than death or disability as provided in this Article, after completing 15 or more years of creditable service in this capacity immediately prior to separation from service, and who leaves his total accumulated contributions in this System, may elect to retire on a deferred early retirement allowance upon attaining the age of 50 years or at any time thereafter; provided, that the member may commence retirement only upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to commence retirement. The deferred early retirement allowance shall be computed in accordance with the service retirement provisions of this Article pertaining to law enforcement officers.

b2. In lieu of the benefits provided in paragraphs a and b of this subdivision, any member who is a law enforcement officer at the time of

separation from service prior to the attainment of the age of 55 years, for any reason other than death or disability as provided in this Article, after completing five or more years of creditable service in this capacity immediately prior to separation from service, and who leaves his total accumulated contributions in this System may elect to retire on a deferred service retirement allowance upon attaining the age of 55 years or at any time thereafter; provided, that the member may commence retirement only upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to commence retirement. The deferred service retirement allowance shall be computed in accordance with the service retirement provisions of this Article pertaining to law enforcement officers."

(g) G.S. 128-24 is amended by adding a subdivision "(5a)" to read:

"(5a) Notwithstanding the provisions of paragraphs c and d of the subdivision (5) to the contrary, a beneficiary who was a beneficiary retired on an early or service retirement with the Law Enforcement Officers' Retirement System at the time of the transfer of law enforcement officers employed by a participating employer and beneficiaries last employed by a participating employer to this Retirement System on January 1, 1986, and who also was a contributing member of this Retirement System on January 1, 1986, shall continue to be paid his retirement allowance without restriction and may continue as a member of this Retirement System with all the rights and privileges appendant to membership. Any beneficiary who retired on an early or service retirement allowance as an employee of any participating employer under the Law Enforcement Officers' Retirement System and becomes employed as an employee by an employer participating in the Retirement System after January 1, 1986, becomes subject to the provisions of G.S. 128-24(5)c. and G.S. 128-24(5)d. on and after January 1, 1989."

(h) G.S. 128-26(e) is amended by adding a paragraph to the end to read:

"On and after January 1, 1986, the creditable service of a member who was a member of the Law Enforcement Officers' Retirement System at the time of the transfer of law enforcement officers employed by participating employers from that System to this Retirement System and whose accumulated contributions are transferred from that System to this Retirement System, includes service that was creditable in the Law Enforcement Officers' Retirement System; and membership service with that System is membership service with this Retirement System; provided, notwithstanding any provisions of this Article to the contrary, any inchoate or accrued rights of such a member to purchase creditable service for military service, withdrawn service and prior service under the rules and regulations of the Law Enforcement Officers' Retirement System may not be diminished and may be purchased as creditable service with this Retirement System under the same conditions that would have otherwise applied."

(i) G.S. 128-27(a) is amended in subdivision (1) by deleting the phrase "uniformed policeman or" and is further amended at the end by adding a new subdivision "(5)" to read:

"(5) Any member who is a law enforcement officer, and who attains age 50 and completes 15 or more years of creditable service in this capacity or who attains age 55 and completes five or more years of creditable service in this capacity, may retire upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, also, any member who has met the conditions required by this subdivision but does not retire, and later becomes an employee other than as a law enforcement officer, continues to have the right to commence retirement."

(j) G.S. 128-27 is amended by adding a new subsection "(b8)" to read:

"(b8) Service Retirement Allowance of Law Enforcement Officers Retiring on or after January 1, 1986. Upon retirement from service, in accordance with subsection (a) of this section, on or after January 1, 1986, a member who is a law enforcement officer or an eligible former law enforcement officer, shall receive a service retirement allowance computed as follows:

(1) If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and fifty-seven one hundredths percent (1.57%) of his average final compensation, multiplied by the number of years of his creditable service.

(2) If the member's service retirement date occurs after his 50th and before his 55th birthday with 15 or more years of creditable service as a law enforcement officer and prior to his completion of 30 years of creditable service, his retirement allowance shall be computed as in (1) above, but shall be reduced by one-third of one percent (⅓ of 1%) for each month by which his retirement date precedes the first day of the month coincident with or next following his 55th birthday".

(k) G.S. 128-27(c) is amended by adding a paragraph at the end to read:

"Notwithstanding the requirement of five or more years of creditable service to the contrary, a member who is a law enforcement officer and who has had one year or more of creditable service and becomes incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty, and meets all other requirements for disability retirement benefits, may be retired by the Board of Trustees on a disability retirement allowance."

(l) G.S. 128-27(e)(1) is amended by adding a paragraph at the end to read:

"The provisions of this subdivision shall not apply to beneficiaries of the Law Enforcement Officers' Retirement System transferred to this Retirement System who commenced retirement on and before July 1, 1981."

(m) G.S. 128-27 is amended by adding a new subsection (l1) to read:

"(l1) Death Benefit Plan for Law Enforcement Officers. Under all requirements and conditions as otherwise provided for in subsection (l),

except for the requirement that the provisions are effective only after an agreement has been executed by the employer and the Director of the Retirement System, all law enforcement officers who are members of the Retirement System shall participate and be eligible for group life insurance benefits under the Plan, and employers shall fund the cost of these benefits."

(n) G.S. 128-27(m)(1) is rewritten to read:

"The member had attained the age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance."

(o) G.S. 128-28(c) is amended in the first sentence by deleting the word "two" and substituting the word "three"; and is further amended in the second sentence after the word "System" and before the period by inserting the phrase ", and one local governmental official shall be a law enforcement officer employed by an employer participating in the Retirement System"; and is further amended in the third sentence by deleting the word "two" wherever it appears and substituting the word "three".

(p) G.S. 128-30(d)(2) is amended by adding a sentence to the end to read:

"A normal contribution rate shall be determined separately for general employees as a group and for law enforcement officers as a group, these rates to be applied to the respective group payrolls of each employer in determining the normal contribution required of each employer."

(q) G.S. 128-30(d)(6) is amended by inserting between the word "members" and the period a phrase to read:

", as separately determined for general employees and law enforcement officers".

(r) G.S. 128-30(d) is amended by adding a new subdivision "(9)" to the end to read:

"(9) Notwithstanding the foregoing provisions of this subsection, beginning with the December 31, 1985 valuation, the actuary shall determine an additional 'accrued liability contribution' on account of each employer's law enforcement officers. This contribution shall be that percentage of law enforcement officer compensation necessary to liquidate the 'existing unfunded accrued liability' over a period of years to be determined by the Board of Trustees. The 'existing unfunded accrued liability' for each employer shall be equal to the sum of two liabilities. The first is that portion of the unfunded accrued liability of the Law Enforcement Officers' Retirement System as of December 31, 1985, attributable to the accrued liability for each employer's law enforcement officers participating in that System, all based on actuarial assumptions and methods applicable to that System. The second is the accrued liability for additional benefits payable to each employer's law enforcement officers who are members of this Retirement System on December 31, 1985. The 'accrued liability contribution' determined on the basis of this paragraph shall be added to that determined under subdivision (3) and shall be included in the total amount payable under subdivision (5)."

(s) G.S. 143-166.30(e) is amended by designating the third paragraph as subsection "(f)", and by inserting immediately before the phrase "The provisions of" beginning this new subsection the word "Administration".

(t) Chapter 143 of the General Statutes is amended by repealing Article 12 and by adding two new Articles to read:

"ARTICLE 12E.
"Retirement Benefits for Local Governmental Law Enforcement Officers.

"§ 143-166.50. *Retirement benefits for local governmental law enforcement officers.*—(a) Definitions. The following words and phrases as used in this Article, unless a different meaning is plainly required by the context, have the following meaning:

(1) 'Beneficiary' means any person in receipt of a retirement allowance or other benefit from a Retirement System.
(2) 'Employer' means a county, city, town or other political subdivision of the State.
(3) 'Law enforcement officer' means a full-time paid employee of an employer, who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State or serving civil processes, and who possesses the power of arrest by virtue of an oath administered under the authority of the State.
(4) 'Member' means an officer included in the membership of a retirement system, including former officers no longer employed who also elected to leave their accumulated contributions on deposit with a Retirement System.
(5) 'Officer' means a 'law enforcement officer'.
(6) 'Law Enforcement Officers' Retirement System' means the system provided for under Article 12 of Chapter 143 of the General Statutes, as it existed prior to January 1, 1986.
(7) 'State' means the State of North Carolina.
(8) 'Local Governmental Employees' Retirement System' means the Local Governmental Employees' Retirement System of North Carolina provided for under Article 3 of Chapter 128 of the General Statutes.

(b) Basic Retirement System. On and after January 1, 1986, law enforcement officers employed by an employer shall be members of the Local Governmental Employees' Retirement System, and beneficiaries who were last employed as officers by an employer, or who are surviving beneficiaries of officers last employed by an employer, are beneficiaries of the Local Governmental Employees' Retirement System and paid in benefit amounts then in effect. All members of the Law Enforcement Officers' Retirement System last employed and paid by an employer are members of the Local Retirement System.

(c) Rights. Notwithstanding any other provisions of law, any accrued or inchoate rights of a member of the Law Enforcement Officers' Retirement System as of his transfer to the Local Governmental Employees' Retirement System on January 1, 1986, including the rights to

a vested deferred retirement allowance and to commence retirement at certain ages with required years of service as a law enforcement officer, may in no way be diminished; provided, however, in no event may a member commence retirement and continue membership service with the same Retirement System after January 1, 1986.

(d) Court Cost Receipts. Of the sum derived from the cost of court provided for in G.S. 7A-304(a)(3), the amount designated for this Article shall be paid over to the pension accumulation fund of the Local Governmental Employees' Retirement System and shall offset, to the extent of these receipts, the employers' normal contribution rate required in G.S. 128-30(d)(2) as it pertains to law enforcement officers.

(e) Supplemental Retirement Income Plan for Local Governmental Law Enforcement Officers. As of January 1, 1986, all law enforcement officers employed by a local government employer, are participating members of the Supplemental Retirement Income Plan as provided by Article 5 of Chapter 135 of the General Statutes. In addition to the contributions transferred from the Law Enforcement Officers' Retirement System, participants may make voluntary contributions to the Supplemental Retirement Income Plan to be credited to the designated individual accounts of participants; provided, in no instance shall the total contributions by a participant exceed ten percent (10%) of a participant's compensation within any calendar year.

"ARTICLE 12F.
"Separate Insurance Benefits Plan For
State And Local Governmental Law Enforcement Officers.

"§ 143-166.60. *Separate Insurance Benefits Plan for law enforcement officers.*—(a) Of the sum derived from the cost of court provided for in G.S. 7A-304(a)(3), the amount designated for this Article shall be set aside and held in a separate fund to create a Separate Insurance Benefits Plan, hereinafter called the 'Plan', to be an employee welfare benefit plan, established for the benefit of (i) all law enforcement officers, as defined in G.S. 135-1(11b) and G.S. 128-21(11b) employed by the State and local governments and (ii) all former law enforcement officers previously employed by the State and local governments, who had 20 or more years of service as an officer or are in receipt of a disability retirement allowance from any State-administered retirement system, who shall be participants.

(b) The Boards of Trustees of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System shall jointly administer the Plan and shall, under the terms and conditions otherwise appearing in this Article, provide Plan benefits either (i) by establishing a separate trust fund in conformance with Section 501(c)(9) of the Internal Revenue Code of 1954 as amended or, (ii) by causing the Plan to affiliate with a master trust providing the same benefits for participants.

(c) The initial assets of the Plan are the assets of the former Separate Benefit Plan established under G.S. 143-166.04 as it existed prior to January 1, 1986, which shall be transferred to the Plan on January 1, 1986.

The Plan shall be separate and apart from any retirement systems or plans.

(d) The Boards of Trustees shall promulgate rules and regulations as are necessary to establish benefits under the Plan, within the availability of funds, to provide:

(1) an accident and sickness disability insurance benefit;

(2) a group life insurance benefit for participants employed by an employer at the time of death, not to exceed five thousand dollars ($5,000);

(3) a group life insurance benefit for participants who are eligible former officers, not to exceed four thousand dollars ($4,000); and

(4) an accidental line-of-duty insurance death benefit not to exceed two thousand one hundred dollars ($2,100) in total on account of the death of a participant caused by an accident while in the actual performance of duty as an officer.

(e) The insurance benefit of the Plan on account of the death of a participant shall be payable to the surviving spouse of the participant or otherwise to the participant's estate; provided, should a participant instruct the Board of Trustees in writing that he does not wish these benefits to be paid to his spouse or estate, then the benefits shall be paid to the person or persons as the participant may name for this purpose. The life insurance benefits shall be payable only on account of participants in the Plan for six or more months or, if an actively employed officer, at any time after employment if death results from an accident. The accident and sickness disability insurance benefits shall be payable to a participant at any time after becoming a participant in the Plan.

(f) Should amounts in the trust fund of the Plan be insufficient at any time to enable the Boards of Trustees to pay benefits due in full, then an equitable graded percentage of the payments shall be made.

(g) The provisions of the State and Local Retirement Systems pertaining to administration and management of funds under G.S. 128-28, G.S. 128-29, G.S. 135-6 and G.S. 135-7 are made applicable to the Plan.

(h) Exemption from Taxes, Garnishment and Attachment. The right of a participant in the Separate Insurance Benefits Plan to the benefits provided under this Article is nonforfeitable and exempt from levy, sale, and garnishment, and the benefits payable under this Article are exempt from any State and local government taxes."

(u) Transfers of Assets of the Law Enforcement Officers' Retirement System to Other Retirement Systems. As of January 1, 1986, assets of the Law Enforcement Officers' Retirement System, provided for under Article 12 of Chapter 143 of the General Statutes, as it existed prior to January 1, 1986, shall be transferred to the Local Governmental Employees' Retirement System provided for under Article 3 of Chapter 128 of the General Statutes, and the Supplemental Retirement Income Plan of North Carolina, provided for under Article 5 of Chapter 135 of the General Statutes, in the amounts calculated and in the order of precedence enumerated as follows:

(1) The regular accumulated contributions of members of the Law Enforcement Officers' Retirement System shall be transferred from the annuity savings fund of the Law Enforcement Officers' Retirement System

to the annuity savings fund of the Local Governmental Employees' Retirement System to the credit of each individual member.

(2) An amount equal to the present value of the liabilities on account of the retirement allowances payable to beneficiaries of the Law Enforcement Officers' Retirement System, as calculated by the Retirement System's consulting actuary, shall be transferred from the pension accumulation fund of the Law Enforcement Officers' Retirement System to the pension accumulation fund of the Local Governmental Employees' Retirement Sytem.

(3) After the transfer provided for above, the remaining assets in the pension accumulation fund of the Law Enforcement Officers' Retirement System shall be transferred to the pension accumulation fund of the Local Governmental Employees' Retirement System with the amount of such assets to be taken into account by the Retirement System's consulting actuary in determining the employers' rates of contribution under G.S. 128-30(d)(9).

(4) The special annuity account accumulated contributions shall be transferred from the special annuity savings fund of the Law Enforcement Officers' Retirement System to the Supplemental Retirement Income Plan of North Carolina, or some other employer-sponsored trust qualified under Sections 401(a) and 401(k) of the Internal Revenue Code of 1954 as amended.

(5) The separate trust fund reserves held under the death benefit plan provided for in G.S. 143-166.02, as it existed prior to January 1, 1986, shall be transferred to the separate trust fund for the death benefit plan provided for in G.S. 128-27(1).

(v) This section shall become effective January 1, 1986.

——SALARY, RETIREMENT, AND EMPLOYEE BENEFITS

——MOST STATE EMPLOYEES/FIVE PERCENT SALARY INCREASE

Sec. 197. The salaries in effect on June 30, 1985, for all permanent State employees paid from the General Fund or the Highway Fund shall be increased, on July 1, 1985 unless otherwise provided by this Part, by an average of five percent (5%) rounded to conform to the steps in the salary ranges that the State Personnel Commission adopts. If the salary in effect on June 30, 1985, for an employee is not equal to a specific pay rate in the salary schedule effective on that date, his annual increase, effective July 1, 1985 unless otherwise provided by this Part shall be five percent (5%) with the annual salary adjusted so as to be divisible by twelve. The Director of the Budget may transfer from the salary increase reserve funds created in Sections 2 and 3 of this act for this purpose all funds necessary for the five percent (5%) average increase, including funds for the employer's retirement and Social Security contributions.

Except as otherwise provided in this act, the salaries of State officials and persons in exempt positions that are recommended by the Governor or the Governor and the Advisory Budget Commission and set by the General Assembly shall be increased an average of five percent (5%) commencing July 1, 1985. The Director of the Budget may transfer from the salary increase reserve funds created in Sections 2 and 3 of this act for this purpose all funds necessary for the five percent (5%) average

increase, including funds for the employer's retirement and Social Security contributions.

The Director of the Budget may allocate out of special operating funds or from other sources of the employing agency, except tax revenues, sufficient funds to allow a salary increase averaging five percent (5%), including funds for the employer's retirement and Social Security contributions, for the employees of the agency, provided that the employing agency elects to make available the necessary funds.

The Director of the Budget may adopt special rules to apply to salary increases for employees whose salaries are paid from interagency receipts where payments for the services of those employees originate from State appropriations, to the end that the effective purchasing power of the appropriations is not materially reduced as a result of these salary increases. The salary increase may average up to five percent (5%), and funds made available for it shall include amounts necessary for the increase and the employer's retirement and Social Security contributions. Any questions as to the applicability of the provisions of this paragraph shall be resolved by the Director of the Budget.

The salaries of all non-certified permanent public school employees paid from the State public school fund and from allocations to local school units for State Aid-Exceptional Children ADM appropriation, Health Education Coordinator grants, Community Schools Coordinator grants, Vocational Education State Aid Non-Matching Expansion ADM allocation, Vocational Education State Aid Extended Day ADM allocations, and State-matching funds for School Food Service Supervisors shall be increased by an average of five percent (5%) commencing, unless otherwise provided by this Part, July 1, 1985. The Director of the Budget may transfer from the salary increase reserve fund created in Section 2 of this act all funds necessary for the five percent (5%) salary increase for non-certified permanent public school employees, including funds for the employer's retirement and Social Security contributions.

Salaries for positions that are funded partially from the General Fund and partially from sources other than the General Fund shall be increased from the General Fund appropriation only to the extent of the proportionate part of the salaries paid from the General Fund.

The granting of the salary increases under this section does not affect the status of eligibility for salary increments for which employees may be eligible.

The salary range maximums for all employees under the State Personnel Act shall be increased to accommodate this salary increase so that every employee will continue to have the same relative position with respect to salary increases and future increments as he would have had if these salary increases had not been made.

The salary increases provided in this act to be effective July 1, 1985, do not apply to persons separated from State service due to resignation, dismissal, reduction in force, death, or retirement, whose last workday is prior to July 1, 1985.

Within regular Executive Budget Act procedures as limited by this act, all State agencies and departments may increase on an equitable basis the rate of pay of temporary State employees, subject to availability of

funds in the particular agency or department by pro rata amounts approximately equal to five percent (5%) commencing, unless otherwise provided by this Part, July 1, 1985.

——LEGISLATIVE EMPLOYEES/FIVE PERCENT SALARY INCREASE

Sec. 198. The Legislative Administrative Officer may increase the salaries of nonelected employees of the General Assembly in effect on June 30, 1985, by five percent (5%) commencing, except as otherwise provided by this Part, July 1, 1985, rounded to the nearest whole dollar figure divisible by 12 and otherwise adjusted to conform with the relative levels of the Legislative Services Commission salary schedule. The granting of this legislative percentage salary increase does not affect the status of employees' eligibility for other salary increments. Funds in the salary increase reserve fund created in Section 2 of this act shall provide the salary increase authorized by this section, including the employer's retirement and Social Security contributions. Nothing in this Part limits G.S. 120-32.

——COMMUNITY COLLEGES PERSONNEL/SALARY INCREASES

Sec. 199. The Director of the Budget may transfer from the salary increase reserve fund created in Section 2 of this act funds necessary to provide an annual average salary increase of five percent (5%), and the employer's retirement and Social Security contributions, commencing, except as otherwise provided by this Part July 1, 1985, for all community college institutional personnel. These funds shall be allocated to individuals according to rules adopted by the State Board of Community Colleges and may not be used for any purpose other than for the salary increases and necessary employer's contributions.

——HIGHER EDUCATION PERSONNEL/SALARY INCREASES

Sec. 200. The Director of the Budget may transfer from the salary increase reserve fund created in Section 2 of this act funds necessary to provide an annual average salary increase of five percent (5%), and the employer's retirement and Social Security contributions, commencing except as otherwise provided by this Part July 1, 1985, for all employees of The University of North Carolina who are exempt from the State Personnel Act. These funds shall be allocated to individuals according to rules adopted by the Board of Governors and may not be used for any purpose other than for the salary increases and necessary employer's contributions.

——FIVE PERCENT SALARY INCREASE/ONE YEAR SERVICE

Sec. 201. The average five percent (5%) salary increase provided by Sections 197 through 200 of this act may not apply to any individual who does not have one year of continuous employment with a State department, board, commission, bureau or other State agency, or with a local board of education or community college as of June 30, 1985. Such individual shall receive the average five percent (5%) salary increase provided by Sections 197 through 200 of this act, beginning with the first day of the month following completion of the year of service. Employees

first hired on or after July 1, 1985, will be paid on the State salary schedule that was in effect on June 30, 1985.

——COMMUNITY COLLEGE PERSONNEL/INCREASES IN LIEU OF MERIT

Sec. 202. Funds provided in Section 2 of this act may be transferred from the salary increase reserve fund by the Director of the Budget to provide for salary increases of institutional personnel of the community college system in lieu of specific appropriations for salary increments as are provided for State employees subject to the State Personnel Act. These funds shall be allocated to individuals in accordance with rules and regulations established by the State Board of Community Colleges and may not be used for any purpose other than for salary increases and necessary employer's contributions.

——HIGHER EDUCATION PERSONNEL/INCREASES IN LIEU OF MERIT

Sec. 203. Funds provided in Section 2 of this act may be transferred from the salary increase reserve fund by the Director of the Budget to provide for salary increases to be used in lieu of merit salary increases and longevity pay for employees of The University of North Carolina who are exempt from the State Personnel Act. Funds appropriated for this purpose are to be allocated to individuals in accordance with rules adopted by the Board of Governors and may not be used to establish any new positions.

——TRANSFER FOR ITEMIZED SALARY

Sec. 204. Funds in the salary increase reserve funds created in Sections 2 and 3 of this act may be transferred by the Director of the Budget for salary increases and related employer's retirement and Social Security contributions for individuals whose salaries are itemized in this act.

——GENERAL ASSEMBLY PRINCIPAL CLERKS/SALARY INCREASES

Sec. 205. G.S. 120-37(c) is amended by deleting the phrase "thirty-two thousand five hundred twenty dollars ($32,520)" and substituting the phrase "thirty-four thousand one hundred fifty-two dollars ($34,152)".

——SUBSISTENCE

Sec. 206. Effective upon the convening of the 1987 Regular Session of the General Assembly, G.S. 120-3.1(a)(3) is amended by deleting "sixty dollars ($60.00)", and substituting "sixty-five dollars ($65.00)".

——SERGEANT-AT-ARMS AND READING CLERK/SALARY INCREASES

Sec. 207. G.S. 120-37(b) is amended by deleting "one hundred fifty dollars ($150.00)", and substituting "one hundred sixty dollars ($160.00)".

——LEGISLATORS/SALARY AND EXPENSE INCREASE

Sec. 208. Effective upon convening of the 1987 Regular Session of the General Assembly, G.S. 120-3(a) and (b) are rewritten to read:

"(a) The Speaker of the House shall be paid an annual salary of twenty-seven thousand five hundred fifty-two dollars ($27,552) payable monthly and an expense allowance of eight hundred forty-seven dollars ($847.00) per month. The President Pro Tempore of the Senate shall be paid an annual salary of sixteen thousand five hundred dollars ($16,500) payable monthly and an expense allowance of five hundred fifty dollars ($550.00) per month. The Speaker Pro Tempore of the House shall be paid an annual salary of thirteen thousand seven hundred fifty-two dollars ($13,752) payable monthly and an expense allowance of three hundred seven dollars ($307.00) per month. The minority leader in the House, and the majority and minority leader in the Senate shall each be paid an annual salary of eleven thousand five hundred fifty-six dollars ($11,556) payable monthly, and an expense allowance of three hundred seven dollars ($307.00) per month.

(b) Every other member of the General Assembly shall receive increases in annual salary and expense allowances only to the extent of and in the percentage equal to the average increases received by employees of the State, effective upon convening of the next regular session of the General Assembly after enactment of this percentage increase. Accordingly, upon convening of the 1987 Regular Session of the General Assembly, every other member of the General Assembly shall be paid an annual salary of nine thousand two hundred forty dollars ($9,240) payable monthly, and an expense allowance of two hundred thirty dollars ($230.00) per month."

——JUDICIAL BRANCH OFFICIALS/SALARIES

Sec. 209. The annual salary, in fiscal year 1985-86, of the specified judicial branch officials is as follows:

Judicial Branch Officials	*1985-86*
Chief Justice, Supreme Court	$70,608
Associate Justice, Supreme Court	69,144
Chief Judge, Court of Appeals	66,936
Judge, Court of Appeals	65,472
Judge, Senior Regular Resident Superior Court	60,048
Judge, Superior Court	58,140
Chief Judge, District Court	48,948
Judge, District Court	47,076
District Attorney	54,084
Assistant District Attorney - an average of	34,980
Administrative Officer of the Courts	60,048
Assistant Administrative Officer of the Courts	48,948
Public Defender	54,084
Assistant Public Defender - an average of	34,980

If an acting senior regular resident superior court judge is appointed under the provisions of G.S. 7A-41, he shall receive the salary for Judge,

Senior Regular Resident, Superior Court, and the judge he replaces shall receive the salary indicated for Judge, Superior Court.

The district attorney or public defender of a judicial district with the approval of the Administrative Officer of the Courts, shall set the salaries of assistant district attorneys or assistant public defenders, respectively, in that district such that the average salaries of assistant district attorneys or assistant public defenders in that district do not exceed thirty-four thousand nine hundred eighty dollars ($34,980) and the minimum salary of any assistant district attorney or assistant public defender is at least seventeen thousand six hundred sixty-four dollars ($17,664) per annum.

Funds in the salary increase reserve fund created in Section 2 of this act, for salary increases and related employer's retirement and Social Security contributions for permanent employees of the Judicial Department, except for those itemized in this act, shall provide salary increases commencing except as otherwise provided in this act July 1, 1985, of the same percentage as that authorized in Section 2 of this act, for State employees subject to the Personnel Act, rounded to conform to the steps in the salary ranges adopted by the Judicial Department.

——MAGISTRATES/SALARIES

Sec. 210. The schedule of salaries of full-time magistrates shown in the table in subdivision (1) of G.S. 7A-171.1 is deleted and the following schedule is substituted:

"Number of prior years of service	*Annual salary*
Less than 1	$12,060
1 or more but less than 3	13,104
3 or more but less than 5	14,328
5 or more but less than 7	15,612
7 or more but less than 9	17,052
9 or more	18,660"

——CLERKS OF COURT/SALARIES

Sec. 211. G.S. 7A-101 is amended in the first paragraph by deleting the schedule of salaries of superior court clerks and substituting the following schedule:

"Population	*Annual Salary*
Less than 49,999	$31,500
50,000 to 99,999	36,228
100,000 to 199,999	40,956
200,000 and above	46,728"

——ASSISTANT & DEPUTY CLERKS OF COURT/SALARIES

Sec. 212. G.S. 7A-102(c) is amended in the first paragraph by deleting the schedule of minimum and maximum annual salary rates for assistant clerks and deputy clerks and substituting the following schedule:

"Assistant Clerks	*Annual Salary*
Minimum	$15,888
Maximum	27,276

Deputy Clerks	
Minimum	$12,252
Maximum	20,700"

——COUNCIL OF STATE/SALARIES

Sec. 213. The annual salaries of the Council of State, payable monthly, for fiscal year 1985-86, shall be as follows:

	1985-86
Lieutenant Governor	$58,140
Attorney General	58,140
Secretary of State	58,140
State Treasurer	58,140
State Auditor	58,140
Superintendent of Public Instruction	58,140
Agriculture Commissioner	58,140
Insurance Commissioner	58,140
Labor Commissioner	58,140

——NON-ELECTED DEPARTMENT HEADS/SALARY INCREASE

Sec. 214. In accordance with G.S. 143B-9, the maximum annual salaries, payable monthly, of the non-elected heads of the principal State departments for fiscal year 1985-86 are:

Non-Elected Department Heads	*1985-86*
Secretary of Administration	$58,140
Secretary of Commerce	58,140
Secretary of Correction	58,140
Secretary of Crime Control and Public Safety	58,140
Secretary of Cultural Resources	58,140
Secretary of Human Resources	58,140
Secretary of Natural Resources and Community Development	58,140
Secretary of Revenue	58,140
Secretary of Transportation	58,140

——GOVERNOR/SALARY

Sec. 215. Effective July 1, 1985, the first sentence of G.S. 147-11 is rewritten to read:

"The salary of the Governor shall be ninety-eight thousand one hundred ninety-six dollars ($98,196), payable monthly."

——MISCELLANEOUS SALARIES

Sec. 216. Pursuant to the Separation of Powers Act of 1983, the annual salaries, payable monthly, for fiscal year 1985-86 for the following State officials are:

	Annual Salary
Chairman, Alcoholic Beverage Control Commission	$55,920
Commissioner of Motor Vehicles	55,116
Commissioner of Banks	55,920
Deputy Banking Commissioner	42,756
Chairman, Employment Security Commission	55,920
President, Department of Community Colleges	73,560
State Personnel Director	58,140
State Highway Administrator	58,140
Chairman, Parole Commission	51,036
Members of the Parole Commission	47,076
Chairman, Industrial Commission	50,196
Members of the Industrial Commission	48,972
Executive Director, Agency for Public Telecommunications	47,076
Director, Seafood Industrial Park Authority	31,140
General Manager, Ports Railway Commission	42,468

Sec. 217. The annual salaries, payable monthly, for fiscal year 1985-86 for the following State officials are:

	Annual Salary
Director, Museum of Art	$57,312
Director, State Ports Authority	53,124
Controller, State Board of Education	67,296
Executive Director, Wildlife Resources Commission	48,216
Executive Director, North Carolina Housing Finance Agency	69,300
Executive Director, North Carolina Technological Development Authority	36,972

Sec. 218. G.S. 140-5.15(c) is rewritten to read:

"(c) The salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act."

Sec. 219. The second sentence of G.S. 143B-454(5) is rewritten to read:

"The salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act."

Sec. 220. The second sentence of G.S. 115C-27 is rewritten to read:

"The salary of the Controller shall be fixed by the General Assembly in the Current Operations Appropriations Act."

Sec. 221. The fifth sentence of G.S. 143-246 is amended by deleting the words "Governor after consultation with the Advisory Budget Commission" and substituting "General Assembly in the Current Operations Appropriations Act".

Sec. 222. The seventh sentence of G.S. 122A-4(f) is rewritten to read: "The salary of the Executive Director shall be fixed by the General Assembly in the Current Operations Appropriations Act."

Sec. 223. The first sentence of G.S. 143B-471.3A(2) is amended by deleting the words "Governor and the Authority, after consultation with the Advisory Budget Commission" and substituting "General Assembly in the Current Operations Appropriations Act".

——STATE'S EMPLOYER CONTRIBUTION RATES FOR RETIREMENT

Sec. 224. The State employer contribution percentage rates of covered salaries budgeted for the retirement systems for 1985-86 are (1) eleven and twenty hundredths percent (11.20%) - Teachers and State Employees; (2) sixteen and twenty hundredths percent (16.20%) - State Law Enforcement Officers; (3) thirty and sixty-seven hundredths percent (30.67%) - Consolidated Judicial Retirement System; and (4) thirty-five and thirty-two hundredths percent (35.32%) - Legislative Retirement. Each of the foregoing contribution rates includes ninety-five hundredths percent (0.95%) for hospital and medical benefits. The rate of sixteen and twenty hundredths percent (16.20%) for State Law Enforcement Officers includes the five percent (5.0%) applicable to the Supplemental Retirement Income Plan.

——STATE'S EMPLOYER CONTRIBUTIONS FOR HOSPITAL AND MEDICAL BENEFITS

Sec. 225. The maximum annual employer contributions, payable monthly, by the State for 1985-86 to the Teachers' and State Employees' Comprehensive Major Medical Plan are: (1) Medicare eligible employees - five hundred eighty-three dollars ($583.00); (2) Non-Medicare eligible employees - seven hundred sixty-six dollars ($766.00); (3) Medicare eligible retirees - five hundred eighty dollars ($580.00); and (4) Non-Medicare eligible retirees - seven hundred sixty-three dollars ($763.00).

——ANNUAL INCREMENTS FOR 1985-86

Sec. 226. (a) The General Assembly recognizes that automatic and merit salary increments for State, community college and public school employees have been frozen since July 1, 1982. Although the General Assembly reaffirms its belief in a merit pay system, in an attempt to minimize the impact of this freeze, the General Assembly finds that all such employees should receive salary increments on the State's salary schedule in the 1985-86 fiscal year as adopted pursuant to Chapters 115C, 115D, 116, 120, and 126 of the General Statutes.

Therefore, notwithstanding the provisions of Section 19.1 of Chapter 1137, Session Laws of 1979 (Regular Session 1980) as amended by Chapter 1053, Session Laws of 1981, and notwithstanding G.S. 115C-12(9)a., G.S. 115C-12(16), G.S. 126-7, or any other provision of law, each employee of the State and State-funded employee of the public schools paid on the

basis of a State salary increment schedule shall receive increments in the 1985-86 fiscal year as follows:

(1) All State employees supported from the Highway Fund or the General Fund and those supported by receipts to the extent that receipts are available, except those covered by Section 203 of this act, shall receive two half-step increases but not more than two half-step increases on their respective State salary schedules in fiscal year 1985-86, payable on the same basis as was in effect prior to the freeze of automatic and merit salary increments, except such State employees for fiscal year 1985-86 only shall qualify for the additional half-step increments on a one hundred percent (100%) basis. In further recognition of the impact of the freeze on automatic and merit salary increments, an additional salary increment step shall be added to all applicable State salary schedules for such State employees effective July 1, 1985. Notwithstanding the foregoing, employees subject to the State Personnel Act shall receive the half-step increases allocated on the same basis as was in effect prior to the freeze, except that the increases at all steps are to be awarded on the quarterly basis in effect prior to the freeze.

(2) All State-funded superintendents, associate superintendents, assistant superintendents, supervisors, directors, coordinators, program administrators, principals, assistant principals, and classroom and vocational teachers in the public schools shall receive the following number of half-step increases on their respective State salary schedules in fiscal year 1985-86:

a. Employees who have worked continuously for at least one full year or one full school term but less than two full years or two full school terms for a local or State educational agency on June 30, 1985 - two half-step increases.

b. Employees who have worked continuously for at least two full years or two full school terms for a local or State educational agency on June 30, 1985 - four half-step increases.

In further recognition of the impact of the freeze on automatic salary increments, an additional salary increment step shall be added to the respective State salary schedules for these certified State-funded public school personnel, effective July 1, 1985.

(3) All State-funded non-certified public school employees shall be treated the same as all State-funded State employees as covered in the preceding subsection (1).

(b) The General Assembly hereby expresses its intent, that for fiscal year 1986-87, in order to avoid further freezes on automatic and merit salary increases for State, community college and public school employees supported by the State, automatic and merit salary increments shall be based upon half-step increases, provided General and Highway Fund revenues for 1986-87 are sufficient to fund half-step increases.

(c) Effective July 1, 1985, the Director of the Budget may transfer from the salary increase reserve funds in Sections 2 and 3 of this act, funds necessary to implement the provisions of this section.

——NONCERTIFIED PUBLIC SCHOOL EMPLOYEE MINIMUM SALARY

Sec. 227. For fiscal year 1985-86, the minimum salary of full-time noncertified public school personnel paid from State funds shall be seven hundred fifty-eight dollars ($758.00) per month. In no event may a noncertified employee paid from State funds receive an increase in salary pursuant to this act for 1985-86 over the salary the same employee received in 1984-85 that exceeds fifteen percent (15%) except in those situations where such an increase is required to bring the employee to the minimum pay of seven hundred fifty-eight dollars ($758.00) per month prescribed by this section. The Director of the Budget may transfer from the salary increase reserve fund in Section 2 of this act funds necessary to implement the provisions of this section.

PART XXII.——SPECIAL PROVISIONS/APPROPRIATIONS ACT

——EXECUTIVE BUDGET ACT REFERENCE

Sec. 228. The provisions of the Executive Budget Act, Chapter 143, Article 1, of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

——EFFECT OF MOST LIMITATIONS AND DIRECTIONS IN TEXT/ONLY-1985-87

Sec. 229. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1985-87 biennium, the textual provisions of this act shall apply only to funds appropriated for and activities occurring during the 1985-87 biennium.

——SEVERABILITY CLAUSE

Sec. 230. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of the act as a whole or any part other than the part so declared to be unconstitutional or invalid.

——EFFECTIVE DATE

Sec. 231. Except as otherwise provided, this act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

S.B. 2 **CHAPTER 480**

AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES.

The General Assembly of North Carolina enacts:

——TITLE/PURPOSES

Section 1. This act shall be known as "The Capital Improvement Appropriations Act of 1985".

Sec. 2. The appropriations made by the 1985 General Assembly for capital improvements are for constructing, repairing or renovating State buildings, utilities, and other capital facilities, for acquiring sites for them where necessary, and for acquiring buildings and land for State government purposes.

——PROCEDURES FOR DISBURSEMENTS

Sec. 3. The appropriations made by the 1985 General Assembly for capital improvements shall be disbursed for the purposes provided by this act. Expenditure of funds shall not be made by any State department, institution or agency, until an allotment has been approved by the Governor as Director of the Budget. The allotment shall be approved only after full compliance with the Executive Budget Act, Article I of Chapter 143 of the General Statutes. Prior to the award of construction contracts for projects to be financed in whole or in part with self-liquidating appropriations, the Director of the Budget with the advice of the Advisory Budget Commission shall approve the elements of the method of financing of those projects including the source of funds, interest rate, and liquidation period.

Where direct capital improvement appropriations include the purpose of furnishing movable equipment for any project, those funds for equipment shall not be subject to transfer into construction accounts except as authorized by the Director of the Budget.

Capital improvement projects authorized by the 1985 General Assembly shall be completed, including fixed and movable equipment and furnishings, within the limits of the amounts of the direct or self-liquidating appropriations provided, except as otherwise provided in the act.

——CAPITAL IMPROVEMENTS/GENERAL FUND

Sec. 4. Appropriations are made from the General Fund for use by the State departments, institutions and agencies to provide for capital improvement projects according to the following schedule:

	1985-86	*1986-87*
Department of Administration (Total)	$ 6,417,700	$ -0-
01. Renovate Education Building	5,214,500	-0-
02. Renovate Old Health Building	1,203,200	-0-
Department of Human Resources (Total)	5,764,600	3,381,400
01. Life Safety Code Renovations	1,201,800	1,831,400
02. Renovations at Dorothea Dix for Offices	200,000	1,550,000
03. Boiler Replacement-Cherry Hospital	3,418,800	-0-
04. Therapeutic Pool-Lenox Baker	194,000	-0-

	1985-86	*1986-87*
05. Construct Swimming Pool-		
Dobbs School	250,000	-0-
Dillon School	250,000	-0-
Juvenile Evaluation Center	250,000	-0-
Department of Correction (Total)	9,679,300	723,000
01. New Construction to Eliminate Triple Bunking	9,350,000	723,000
02. Completion of Vocational Facilities-Eastern and Southern Correctional Fac.	329,300	-0-
Department of Cultural Resources (Total)	95,700	-0-
01. Renovate Heating System-Tryon Palace	95,700	-0-
Department of Crime Control and Public Safety (Total)	336,934	1,175,599
01. Construct Aviation Facility and Armory-RDU Airport	65,431	3,260,097
Less Federal Receipts	48,903	2,359,963
Appropriation	16,528	900,134
02. Replace 60 Person National Guard Armory-Jefferson	818,500	-0-
Less Receipts:		
Federal	613,875	-0-
Local	91,063	-0-
Appropriation	113,562	-0-
03. Replace 60 Person Armory-Murphy	818,500	-0-
Less Receipts:		
Federal	613,875	-0-
Local	91,063	-0-
Appropriation	113,562	-0-
04. Replace 60 Person Armory-Taylorsville	20,000	798,500
Less Receipts:		
Federal	15,000	598,875
Local	-0-	88,563
Appropriation	5,000	111,062

		1985-86	*1986-87*
05.	Replace 60 Person Armory-Wadesboro	20,000	798,500
	Less Receipts:		
	Federal	15,000	598,875
	Local	-0-	88,563
	Appropriation	5,000	111,062
06.	Addition to Armory-Hickory	12,000	178,364
	Less Receipts	9,000	133,773
	Appropriation	3,000	44,591
07.	Addition to Armory-Asheville	168,376	-0-
	Less Receipts	126,282	-0-
	Appropriation	42,094	-0-
08.	Advance Planning-60 Person Armory in Marion	-0-	35,000
	Less Receipts	-0-	26,250
	Appropriation	-0-	8,750
09.	Addition to Armory-Ahoskie	152,753	-0-
	Less Receipts	114,565	-0-
	Appropriation	38,188	-0-
Department of Agriculture (Total)		9,090,400	9,758,000
01.	Animal Disease Diagnostic Lab-Northwestern North Carolina	1,520,900	-0-
02.	New Farrowing House and Renovation of Existing Nursery-Upper Coastal Plain Research Station	159,800	-0-
03.	Modification to Motor Fuels Lab	61,500	-0-
	Less Receipts	61,500	-0-
	Appropriation	-0-	-0-
04.	Reserve for Farmers' Markets	5,001,000	8,500,000
05.	Irrigation System-Tidewater Res. Sta.	329,700	-0-
06.	Maintenance Shop-Butner Warehouse	100,000	-0-
07.	Two Retail Buildings-Piedmont Farmers' Market	511,700	-0-
08.	Site Preparation-Piedmont Farmers' Market	291,300	-0-
09.	Truckers' Shed-Piedmont Farmers' Market	-0-	487,000

	1985-86	*1986-87*
10. Rose Hill Laboratory Addition	-0-	771,000
11. Hoyle C. Griffin Laboratory Addition	771,000	-0-
12. Poultry Breeder Research Addition-Piedmont Research Station	405,000	-0-
Department of Natural Resources and Community Development (Total)	2,651,700	6,050,800
01. Toxic Metal and Organic Analytical Lab	400,000	4,750,800
02. Civil Works Projects	750,000	250,000
03. Office Addition-Marine Fisheries-Morehead	332,000	-0-
04. Forestry Projects-Development	250,000	250,000
05. Zoo Waste Disposal System	44,700	-0-
06. State Parks Development	250,000	250,000
07. Soil and Watershed Projects	300,000	300,000
08. Beach Access Projects	250,000	250,000
09. Estuarine Sanctuary Projects	75,000	-0-
University of North Carolina Board of Governors (Total)	62,836,900	35,415,500
01. Completion of 1981 Plan for New Facilities and Major Additions	37,976,000	-0-
02. North Carolina State University		
a. Natural Resources Research Cen.	2,750,000	8,170,000
b. School of Textiles	600,000	11,000,000
03. University of North Carolina at Asheville		
a. Library Addition	400,000	6,369,000
b. Reserve for Advance Planning and Land Purchase for Arboretum	250,000	-0-
04. University of North Carolina at Chapel Hill		
a. Advance Planning for Center for Alcohol Studies Facility	163,000	-0-

	1985-86	*1986-87*
05. University of North Carolina at Greensboro		
a. Art Center	4,300,000	2,805,000
Less Receipts	3,500,000	-0-
General Fund	800,000	2,805,000
06. University of North Carolina at Wilmington		
a. School of Business Building and Bear Hall Renovation	250,000	6,139,000
07. Agricultural Programs		
a. Beef Cattle Research and Teaching Center	2,060,000	-0-
b. Mountain Horticultural Crops Station and Extension Center at Fletcher	2,460,000	-0-
c. Shop and Machinery Storage: Central Crops Research Station at Clayton	125,000	-0-
d. Swine Research Facility	932,500	932,500
08. Reserve for Land Acquisition	1,200,000	-0-
09. Reserve for Advance Planning for Projects in 1985 Line 6 Request	2,500,000	-0-
10. Memorial Hospital		
a. Chiller Replacement at Main Chiller Plant	2,976,500	-0-
b. Well for Chiller Plant #2	12,900	-0-
11. Center for the Advancement of Teaching at Western Carolina University		
a. Core Facility	4,200,000	-0-
b. Housing Facilities	1,400,000	-0-
c. Site Preparation and Utilities	900,000	-0-
d. Instructional-Computer Equipment	881,000	-0-
Wildlife Resources (Total)	-0-	-0-
01. Construct Duplex Residence-Pisgah	100,000	-0-
Less Receipts	100,000	-0-
Appropriations	-0-	-0-

	1985-86	*1986-87*
02. Repair and Maintain Roads at Thurmond Chatham, Gull Rock, and Holly Shelter Gamelands-Construct Bridge at Green River	101,800	114,700
Less Receipts	101,800	114,700
Appropriations	-0-	-0-
03. Maintenance Bldg.-Holly Shelter Gamelands	50,000	-0-
Less Receipts	50,000	-0-
Appropriations	-0-	-0-
04. Construct Duplex Residence-Armstrong	-0-	107,000
Less Receipts	-0-	107,000
Appropriations	-0-	-0-
05. Construct Duplex Residence-Fayetteville	-0-	107,000
Less Receipts	-0-	107,000
Appropriations	-0-	-0-
Department of Community Colleges		
01. Construction and Planning Funds	21,009,500	11,850,000
Office of State Budget and Management (Total)	94,000,000	94,000,000
01. Reserve for Repairs and Renovations	34,000,000	34,000,000
02. Reserve for Clean Water Program		
a. NRCD-Environmental Management	39,000,000	39,000,000
b. DHR-Health Services	21,000,000	21,000,000
GRAND TOTAL - GENERAL FUND	$211,882,734	$162,354,299

——CAPITAL IMPROVEMENTS/HIGHWAY FUND

Sec. 5. Appropriations are made from the Highway Fund for use of the Department of Transportation to provide for capital improvement projects according to the following schedule:

	1985-86	*1986-87*
Division of Motor Vehicles		
01. Replace Elevators in DMV Building in Raleigh and replace roofs at Salisbury and Greensboro	$ 269,000	$ -0-

	1985-86	*1986-87*
Division of Highways		
01. Construct Maintenance Office, Assembly and Warehouse-Wadesboro	147,000	-0-
02. Construct Equipment Shop-Union (Ahoskie)	552,000	-0-
03. Construct Blacksmith Shop and Truck Shed-Bunn	236,000	-0-
04. Construct Maintenance and Equipment Complex-Method (Raleigh)	1,982,000	-0-
05. Construct Maintenance Complex-Craggy (Buncombe County)	250,000	2,006,000
Other Agencies		
01. Modification to Department of Agriculture Motor Fuels Lab	61,500	-0-
GRAND TOTAL - HIGHWAY FUND	$ 3,497,500	$ 2,006,000

——REPAIR AND RENOVATIONS RESERVE

Sec. 5.1. Of the funds appropriated to the Repairs and Renovations Reserve in Section 4 of this act, the sum of one million five hundred seventeen thousand dollars ($1,517,000) for the 1985-86 fiscal year and the sum of eight hundred fifty thousand dollars ($850,000) for the 1986-87 fiscal year shall be allocated as follows:

	1985-86	*1986-87*
Administration		
Life Safety Code Improvements	$100,000	$100,000
Renovate Ground Floor - Admin. Bldg.	257,500	-0-
Renovations - Agriculture Bldg.	95,700	-0-
Raze Three Bldgs. - State Govt. Center	63,800	-0-
Renovations - James K. Polk Bldg.	175,000	-0-
Human Resources		
Renovations at Dorothea Dix Hosp.	700,000	750,000
Renovate Moore Wing and Bldg. 3 and provide parking at the Black Mountain Center	75,000	-0-
Corrections		
Renovate Bldg. 3 at the Black Mountain Center for a women's prison	50,000	-0-

The remainder may be used only to repair and renovate facilities. It may not be used for new buildings or additions to existing buildings.

——UNSPENT DEFENSIVE DRIVING AND TRAINING FACILITY FUNDS

Sec. 5.2. (a) Of the one million three hundred eight thousand dollars ($1,308,000) appropriated to the Department of Crime Control and Public Safety for fiscal year 1984-85 for the construction of a defensive driving and training facility for the Highway Patrol that has not been expended by June 30, 1985, the Department of Crime Control and Public Safety shall use two hundred fifty thousand dollars ($250,000) to construct district office facilities for the Highway Patrol in conjunction with the Harnett County Law Enforcement Center and four thousand dollars ($4,000) for preparation of grounds and landscaping at the Anson County Highway Patrol Office. The remainder of these unexpended funds shall revert to the General Fund.

(b) The Department of Transportation shall restore any land that has been cleared for the defensive driving and training facility.

(c) Section 204 of Chapter 1034, 1983 Session Laws, Regular Session 1984, is repealed.

(d) This section is effective June 30, 1985.

——HIGHWAY PATROL/DRIVERS' LICENSE EXAMINERS OFFICE CONSTRUCTION FUNDS

Sec. 5.3. Funds appropriated for the Highway Patrol/Drivers' License Examiners Office in Kenansville and not needed for that purpose may be used to supplement funds for the construction of a Highway Patrol/Drivers' License Examiners Office in Lincolnton.

——RALEIGH FARMERS MARKET FUNDS/REVERSION

Sec. 5.4. Effective June 30, 1985, funds in the amount of one hundred sixty-seven thousand five hundred dollars ($167,500) that were appropriated to the Department of Agriculture in Section 3, Chapter 971 of the 1983 Session Laws (Regular Session 1984) for the Raleigh Farmers Market capital improvement project shall revert to the General Fund.

——RESERVE FOR FARMERS' MARKETS

Sec. 5.5. The funds appropriated to the Department of Agriculture in Section 4 of this act to a Reserve for Farmers' Markets shall be allocated as follows:

	1985-86	*1986-87*
Cabarrus County Farmers' Market	$100,000	-0-
Union County Farmers' Market	100,000	-0-
Richmond County Farmers' Market	100,000	-0-
Pitt County Farmers' Market	50,000	-0-
Western Farmers' Market	403,000	-0-
Western N.C. Agriculture Center	498,000	-0-
Southeastern Agriculture Center	900,000	-0-
Agri-Culture Center	250,000	-0-
Halifax County Farmers' Market	100,000	-0-
Raleigh Farmers' Market	2,500,000	8,500,000
TOTAL	$5,001,000	$8,500,000

——ALL COUNTIES MAY OPERATE FARMERS' MARKETS

Sec. 5.6. Section 2 of Chapter 221, Session Laws of 1983, as amended b by Section 6 of Chapter 853, Session Laws of 1983, Section 418 of Chapter 1114, Session Laws of 1983 and Section 65 of Chapter 1116, Session Laws of 1983 is amended by deleting "Halifax and Pasquotank Counties", and substituting "all counties".

——NORTHWESTERN ANIMAL DIAGNOSTIC LAB/LOCATION

Sec. 5.7. The funds appropriated in Chapter 1002 of the 1981 Session Laws, Chapter 1360 of the 1981 Session Laws (Regular Session 1982), and Section 4 of this act for an animal disease diagnostic laboratory in northwestern North Carolina may be used only to build and equip such a facility in Surry County.

——TRANSFER OF AGRICULTURE FUNDS

Sec. 5.8. Pursuant to G.S. 146-30, there is transferred from the Department of Agriculture timber sales capital improvement account to the Department of Agriculture for the 1985-86 fiscal year the sum of one hundred thirty-three thousand two hundred dollars ($133,200). The Department shall use these funds as follows:

Dairy Silo - Caswell Farm Unit	$48,800
Dairy Barn - Umstead Farm Unit	34,700
Hay Shed - Cherry Farm Unit	10,000
Calf Barn - Cherry Farm Unit	26,200
Feed Shed - Cherry Farm Unit	13,500

——AGRICULTURE RESEARCH STATIONS REPORT

Sec. 5.9. The Commissioner of Agriculture shall report to the Chairmen of the Appropriations Base and Expansion Budget Committees in the Senate and the House of Representatives and the Fiscal Research Division no later than December 20 of each even-numbered year on capital improvement needs of all research stations owned by the Department. The report shall include:

(1) Capital improvement needs of each research station;
(2) Requested appropriations to fund capital improvement needs;
(3) A schedule of priorities for funding research station needs;
(4) Anticipated benefits from improvements made; and
(5) Any information about the capital improvement needs of the research stations the Department considers appropriate.

——WESTERN N.C. AGRICULTURAL CENTER FUNDS

Sec. 5.10. The funds appropriated to the Department of Agriculture in Section 66 of Chapter 1116, 1983 Session Laws, Regular Session, 1984, may be used for the purchase or lease of land and expansions at the Western North Carolina Agricultural Center at Arden, North Carolina. These funds may not revert to the General Fund unless the General Assembly so authorizes.

——RESERVE FOR SOUTHEASTERN AGRICULTURE CENTER

Sec. 5.11. (a) Funds in the amounts of two hundred fifty thousand dollars ($250,000) for the 1979-80 fiscal year, three hundred thousand

dollars ($300,000) for the 1981-82 fiscal year, and two hundred thousand dollars ($200,000) for the 1983-84 fiscal year were appropriated to a Reserve for the Fayetteville State Office Building. Funds remaining in this Reserve on June 30, 1985, shall be transferred to a Reserve for the Southeastern Agriculture Center.

(b) This section is effective June 30, 1985.

——WATER AND SEWER FUNDING

Sec. 5.12. (a) State funds allocated to any water or sewer project with the funds appropriated in Section 4 of this act for water and sewer projects may not comprise more than fifty percent (50%) of the total project cost if federal funds are not available, or fifty (50%) of the nonfederal share if federal funds are available.

(b) A water or sewer project may be funded under this act if it is an eligible project under the North Carolina Clean Water Bond Act of 1977, but without regard to availability of federal funds.

(c) Of the funds appropriated in Section 4 of this act for water and sewer projects, an amount is allocated to each county based on the proportion the population of the county bears to the total population of the State according to the population estimates of the State and county as of July 1, 1984, as certified by the State Budget Officer as of July 15, 1985, and multiplying such proportion by the entire amount appropriated for water and sewer projects.

(d) Within the county allocation, the amounts are suballocated:

(1) to each incorporated city in the county in accordance with the proportion the population of the city (or if the city is located in more than one county, the population of the city within the county) bears to the total population of the county in accordance with the July 1, 1983, population estimates with boundaries as of July 1, 1984, of the city and county as certified by the State Budget Officer as of September 15, 1984, but including estimates for cities newly incorporated as of the effective date of this section; and

(2) to that county the remainder of the allocation not suballocated under subdivision (1).

(e) If the governing board of the city has not adopted, by April 1, 1986, a resolution indicating it will proceed with an eligible project, which resolution describes the project, gives its estimated cost, and states that the city will be able to pay the local share either by appropriation of funds or by seeking appropriate approval for the issuance of bonds or both, that city suballocation shall immediately be transferred to the county suballocation for that county; provided that the city may at an earlier date adopt a resolution that it will not proceed with any project, in which case the city suballocation shall be transferred to the county suballocation immediately, or the city may adopt a resolution transferring to the county any part of its suballocation.

(f) If a government unit operates a water or sewer system within the city limits, the city may transfer some or all of its allocation to that government unit, which shall be subject to the same procedures as the city under subsection (e) of this section.

(g) A county may at any time by resolution transfer some or all of its suballocation to a city, or to a government unit authorized to provide water or sewer services, which unit serves or will serve customers within that county.

(h) Any city, county, or government unit adopting a resolution under this section shall file a copy with the State Budget Office within 15 days of its adoption.

(i) If any city, county, or government unit that has a suballocation has not by December 31, 1986, committed some or all of its suballocation to a project by submitting it to an appropriate State agency for approval as provided by law for water or sewer projects, the amounts not committed may no longer be available to the city, county, or government unit.

(j) The allocations for fiscal years 1985-86 and 1986-87 shall be available as of July 1, 1985. The State Budget Office no later than July 20, 1985, shall notify each city and county of the amount of its suballocation for each fiscal year.

(k) State funds for a project are encumbered when the city, county, or government unit certifies to the State Budget Office that it has received regulatory approval for the project, or presents certification from the Department of Human Resources and the Department of Natural Resources and Community Development that no regulatory approval is required. The State Budget Office shall disburse State funds for the State share upon execution of contracts for the project by the city, county, or government unit, and these funds shall be considered to be available for appropriation by the city, county, or government unit for obligation under the Local Government Budget and Fiscal Control Act unless the local government is not subject to that act.

(l) As used in this section:

(1) "City" has the same meaning as in G.S. 153A-1(1); and

(2) "Government unit" means a sanitary district, water and sewer authority, metropolitan water district, metropolitan sewerage district, county water and sewer district, or other unit of government authorized to provide water or sewer services.

(m) The State Budget Office, and the Departments of Human Resources and Natural Resources and Community Development shall jointly submit a report that specifies projects funded under this section, the amount and sources of funding where non-State funds are used, the population served by the project, and the purpose and need addressed by the project. The report shall be submitted to the Joint Legislative Commission on Governmental Operations by January 15, 1986, and to the Fiscal Research Division, with supplemental reports on May 15, 1986, and February 15, 1987.

——SANDY CREEK WATERSHED FUNDING

Sec. 5.13. (a) Notwithstanding the provisions of Section 112, Chapter 1034, 1983 Session Laws (Regular Session 1984), the funds appropriated in Chapter 971, 1983 Session Laws (Regular Session 1984) that were allocated for the Sandy Creek Watershed Project shall remain available for use during the 1985-86 fiscal year.

(b) This section shall become effective June 30, 1985.

——SCHOOL OF SCIENCE AND MATHEMATICS/PHYSICAL EDUCATION FIELD

Sec. 5.14. The North Carolina School of Science and Mathematics, during the fiscal year 1983-84, paid to the Durham County General Hospital one hundred fifty-eight thousand eleven dollars and sixty-one cents ($158,011.61) for steam power, which the Durham County General Hospital subsequently donated that same year to the Fund for the Advancement of Science and Mathematics Education in North Carolina, a Foundation of the North Carolina School of Science and Mathematics. The Foundation then used the one hundred fifty-eight thousand eleven dollars and sixty-one cents ($158,011.61), along with other private gifts, to finance the construction of a physical education field located on the grounds of the School of Science and Mathematics. Because this money was used to the exclusive benefit of the North Carolina School of Science and Mathematics, the General Assembly, retroactively, authorizes the use of these funds by the Foundation for the construction of a physical education field for the North Carolina School of Science and Mathematics.

——CAPITAL FUNDS/NOT REVERT

Sec. 5.15. (a) Funds appropriated and allocated by the 1984 Session of the 1983 General Assembly for capital improvements at the institutions of the Community College System shall remain available to the institutions until spent and may not revert to the General Fund.

(b) One hundred thousand dollars ($100,000) of the funds appropriated by the 1984 Session of the 1983 General Assembly to the Department of Community Colleges for feasibility studies for proposed new capital projects may be used for feasibility studies for instructional programs that may require future capital appropriations.

(c) This section shall become effective June 30, 1985.

——ALLOCATION OF COMMUNITY COLLEGE CAPITAL FUNDS

Sec. 5.16. (a) Funds are appropriated to the Department of Community Colleges in Section 4 of this act in the sum of twenty-one million nine thousand five hundred dollars ($21,009,500) for the 1985-86 fiscal year and the sum of eleven million eight hundred fifty thousand dollars ($11,850,000) for the 1986-87 fiscal year for capital improvements. These funds shall be allocated as follows:

INSTITUTION	*AMOUNT*	
	1985-86	*1986-87*
01. Central Piedmont C. C.	$ 250,000	$ -0-
02. Fayetteville T. I.	2,000,000	-0-
03. T. C. of Alamance	300,000	300,000
04. Mayland T. C.	100,000	-0-
05. Coastal Carolina C. C.	400,000	100,000
06. Wayne C. C.	1,000,000	-0-
07. Central Carolina C. C.	1,300,000	-0-
08. Pitt C. C.	500,000	750,000
09. Wake T. C.	300,000	1,000,000
10. Stanly T. C.	150,000	600,000

INSTITUTION	*AMOUNT*	
	1985-86	*1986-87*
11. College of the Albemarle	1,000,000	500,000
12. Sampson T. C.	800,000	-0-
13. Sandhills C. C.	100,000	400,000
14. Cape Fear T. I.	300,000	-0-
15. Durham T. I.	80,000	700,000
16. Richmond T. C.	100,000	-0-
17. Asheville-Buncombe T. I.	3,001,000	-0-
18. Craven C. C.	200,000	1,300,000
19. Surry C. C.	75,000	700,000
40. Lenior C. C.	100,000	400,000
21. Vance-Granville C. C.	200,000	400,000
22. Guilford T. C. C.	500,000	500,000
23. Johnston T. C.	150,000	-0-
24. Western Piedmont C. C.	1,000,000	-0-
25. Randolph T. C.	200,000	200,000
26. Southeastern C. C.	60,000	300,000
27. James Sprunt T. C.	100,000	100,000
28. Montgomery T. C.	250,000	-0-
29. Blue Ridge T. C.	1,168,500	-0-
30. Southwestern T. C.	400,000	-0-
31. Haywood T. C.	280,000	-0-
32. Gaston College	145,000	500,000
33. Forsyth T. I.	250,000	-0-
34. Isothermal C. C.	800,000	800,000
35. Rockingham C. C.	75,000	-0-
36. Edgecombe T. C.	500,000	400,000
37. Tri-County C. C.	300,000	-0-
38. Roanoke-Chowan T. C.	300,000	400,000
39. Anson T. C.	100,000	500,000
40. Brunswick T. C.	500,000	-0-
41. Piedmont T. C.	500,000	500,000
42. Martin C. C.	75,000	-0-
43. Robeson T. C.	500,000	-0-
44. Cleveland T. C.	100,000	-0-
45. Nash T. C.	500,000	500,000

(b) Of the funds allocated in this section to Vance-Granville Community College for the 1985-86 fiscal year, one hundred thousand dollars ($100,000) shall be used for construction of the Granville County satellite and one hundred thousand dollars ($100,000) shall be used for construction projects at the main campus. Of the funds allocated in this section to Vance-Granville Community College for the 1986-87 fiscal year, four hundred thousand dollars ($400,000) shall be used for the construction of a Warren County satellite.

The one hundred thousand dollars ($100,000) allocated in this section to Vance-Granville Community College for construction of the Granville County satellite and the five hundred thousand dollars ($500,000) allocated in Section 36, Chapter 1034 of the 1983 Session Laws, Regular Session 1984, as amended by Section 111.1, Chapter 1116, 1983 Session Laws, Regular

Session 1984, to Vance-Granville Community College shall be paid to the Granville County Commissioners upon their entering into a contract for the construction of the satellite facility.

(c) Section 78, Chapter 1116 of the 1983 Session Laws, Regular Session 1984 is repealed.

(d) The Caswell County Satellite Campus of Piedmont Technical College shall be operated solely and exclusively by Piedmont Technical College. Piedmont Technical College may permit another technical institute, technical college, or community college to offer courses at Caswell County Satellite. This subsection shall become effective July 1, 1985. Any classes being offered as of the effective date of this section may continue until completion.

(e) Of the funds appropriated to Central Carolina Technical College by this section for fiscal year 1985-86, one hundred thousand dollars ($100,000) shall be used for building a regional law enforcement firing training facility at the Harnett Youth Center. No local match is required.

(f) Of the funds appropriated to Central Carolina Technical College by this section for fiscal year 1985-86, fifty thousand dollars ($50,000) shall be used for the completion of the satellite in Harnett County.

(g) The Department of Community Colleges shall report by June 1, 1986, to the Joint Legislative Commission on Governmental Operations, and to the Fiscal Research Division, on whether and to what extent the capital funds that have been allocated to each of the technical institutes, technical colleges, and community colleges during the 1985-86 fiscal year have been obligated or encumbered.

The Department shall also report on the status of each institution's unencumbered and unobligated 1985-86 capital funds.

——UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS AND OTHER LUMP SUM APPROPRIATIONS

Sec. 6. There is appropriated in Section 4 of this act a lump sum to the Board of Governors of The University of North Carolina. Expenditure of funds in this appropriation shall be in accordance with the provision of G.S. 116-11(9)a. and G.S. 116-11(9)b., and of this act, except where specifically excluded. Other lump sums designated as reserves appropriated in Section 4 of this act shall be used for specific capital improvement projects in accordance with the priority needs of the respective agencies and as approved by the Governor with the advice of the Advisory Budget Commission. Funds authorized in Section 4 of this act to the Office of State Budget and Management in the amount of thirty-four million dollars ($34,000,000) in each year of the biennium are for the repair and renovation of State facilities and may not be used for new building construction or additions to existing facilities.

——ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND

Sec. 7. When each capital improvement project appropriated by the 1985 General Assembly, other than those projects under The University of North Carolina Board of Governors, is placed under construction contract, direct appropriations shall be encumbered to include all costs for

construction, design, investigation, administration, movable equipment and a reasonable contingency. Unencumbered direct appropriations remaining in the project budget shall be placed in a project reserve fund credited to the Department of Administration. Funds in the Project Reserve may be used for emergency repair and renovation projects at State facilities with the approval by the Director of the Budget. At the discretion of the Director of the Budget any balances in the project reserve fund shall revert to the original source.

——PROJECT COST INCREASE

Sec. 8. After consultation with the Advisory Budget Commission and upon the request of the administration of a State agency or institution, the Director of the Budget may when in his opinion it is in the best interest of the State to do so, increase the cost of a capital improvement project. The increase may be funded from gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at North Carolina Memorial Hospital or direct capital improvement appropriations to that agency or institution for that biennium.

——GOVERNOR AND ADVISORY BUDGET COMMISSION/NEW PROJECT

Sec. 9. Upon the request of the administration of any State agency or institution, the Governor, after consultation with the Advisory Budget Commission, may authorize the construction of a capital improvement project not specifically authorized by the General Assembly if such project is to be funded by gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at North Carolina Memorial Hospital or self-liquidating indebtedness.

——ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS

Sec. 10. Funds which become available by gifts, excess patient receipts collected above those budgeted by the North Carolina Memorial Hospital, federal or private grants, receipts becoming a part of special funds by act of the General Assembly or any other funds available to a State agency or institution may be utilized for advance planning through the working drawing phase of capital improvement projects upon approval of the Director of the Budget. The Director of the Budget may make allocations from the Advance Planning Revolving Fund for advance planning through the working drawing phase of capital improvement projects, except that this revolving fund may not be utilized by the Board of Governors of The University of North Carolina or the State Board of Community Colleges.

——APPROPRIATIONS LIMITS/REVERSION OR LAPSE

Sec. 11. Except as permitted in previous sections of this act, the appropriations for capital improvements made by the 1985 General Assembly may be expended only for specific projects set out by the 1985 General Assembly and for no other purpose. Construction of all capital improvement projects enumerated by the 1985 General Assembly shall be commenced or self-liquidating indebtedness with respect to them shall be

incurred within 12 months following the first day of the fiscal year in which the funds are available. If construction contracts on those projects have not been awarded or self-liquidating indebtedness has not been incurred within that period, the direct appropriation for those projects shall revert to the original source, and the self-liquidating appropriation shall lapse; except that direct appropriations may be placed in a reserve fund as authorized in Section 10. This deadline with respect to both direct and self-liquidating appropriations may be extended up to an additional 12 months with the approval of the Director of the Budget, when existing circumstances and conditions warrant such extension.

——EFFECTIVE DATE

Sec. 12. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 534 **CHAPTER 481**

AN ACT TO MODIFY COURT COSTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-307(a)(2) is amended by deleting the third sentence and adding the following in its place:

"In collections of personal property by affidavit, the fee based on the gross estate shall be computed from the information in the final affidavit of collection made pursuant to G.S. 28A-25-3 and shall be paid when that affidavit is filed. In all other cases, this fee shall be computed from the information reported in the inventory and shall be paid when the inventory is filed with the clerk."

Sec. 2. G.S. 7A-307(b) is amended by deleting the first sentence and adding the following in its place:

"In collections of personal property by affidavit, the facilities fee and twenty-two dollars ($22.00) of the General Court of Justice fee shall be paid at the time of filing the qualifying affidavit pursuant to G.S. 28A-25-1. In all other cases, these fees shall be paid for the time of filing of the first inventory."

Sec. 3. G.S. 7A-307(b1)(1) is amended by adding between the words "filing" and "a" the words "and indexing".

Sec. 4. G.S. 7A-307(b1)(2) is amended by deleting the word "testamentary" and inserting in its place the words "to fiduciaries".

Sec. 5. G.S. 7A-307(b1) is amended by adding a new subdivision (5) to read as follows:

"(5) Docketing and indexing a will probated in another county in the State

—first page $1.00

—each additional page or fraction thereof ..... .25."

Sec. 6. G.S. 7A-308(a)(6) is amended by deleting "maiden" and inserting "former".

Sec. 7. G.S. 7A-308(a)(11) is rewritten as follows:

"(11) recording or docketing (including indexing) any document

—first page $4.00
—each additional page or fraction thereof ..... .25."

Sec. 8. G.S. 7A-308(a)(13) is amended by adding between the words "preparation" and "of" the following: "and docketing".

Sec. 9. a. The fee specified in the second sentence of G.S. 7A-306(a)(2), as amended by Chapter 713 of the 1983 Session Laws, shall be assessed at the conclusion of the proceeding if there is no sale, or at the time the property is sold if there is a sale, regardless of the date the proceeding was initiated.

b. The additional sum based on the final sale price specified in G.S. 7A-308(a)(1), as amended by Chapter 713 of the 1983 Session Laws, shall be assessed at the time the property is sold, regardless of the date the action or proceeding was initiated.

c. Except as otherwise specified in this section, the miscellaneous fees specified in G.S. 7A-308, as amended by Chapter 713 of the 1983 Session Laws, shall be assessed at the time the service is rendered.

d. The fee set out in Section 5 of this act shall be assessed at the time the service is rendered.

Sec. 10. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

S.B. 32 **CHAPTER 482**

AN ACT TO PERMIT ENFORCEMENT OF ALIMONY JUDGMENTS WHILE ON APPEAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-16.7(j) is rewritten to read:

"(j) Any order for the payment of alimony or alimony pendente lite is enforceable by proceedings for civil contempt, and its disobedience may be punished by proceedings for criminal contempt, as provided in Chapter 5A of the General Statutes.

Notwithstanding the provisions of G.S. 1-294 or G.S. 1-289, an order for the periodic payment of alimony that has been appealed to the Appellate Division is enforceable in the trial court by proceedings for civil contempt during the pendency of the appeal. Upon motion of an aggrieved party, the Court of the Appellate Division in which the appeal is pending may stay any order for civil contempt entered for alimony until the appeal is decided if justice requires."

Sec. 2. Chapter 50 of the General Statutes is amended by adding a new section to read:

"§ 50-16.11. *Judgment that a supporting spouse is not liable for alimony.*—If a final judgment is entered in any action denying alimony because none of the grounds specified in G.S. 50-16.2 exists, upon motion by the supporting spouse, the court shall enter a judgment against the spouse to whom the payments were made for the amount of all alimony paid by the supporting spouse to that spouse pending a final disposition of the case. In addition, upon motion by the supporting spouse, if a final judgment is entered in any action denying alimony because none of the

grounds specified in G.S. 50-16.2 exists, the court may enter a judgment against the spouse to whom the payments were made for the amount of alimony pendente lite paid by the supporting spouse to that spouse pending a final disposition of the case. When there has been judgment entered granting permanent alimony, after a prior denial of alimony pendente lite upon the same allegations, the court may enter judgment against the supporting spouse and in favor of the dependent spouse in an amount equal to the monthly permanent alimony awarded multiplied by the number of months between entry of the prior order denying alimony pendent lite and entering of the final judgment.

A judgment awarded against a dependent spouse under this section may not be satisfied by setting off any award of child support to the dependent spouse."

Sec. 3. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

S.B. 605 **CHAPTER 483**

AN ACT TO PERMIT MATERNITY LEAVE FOR INMATES.

The General Assembly of North Carolina enacts:

Section 1. The second paragraph of G.S. 148-4, as the same appears in Volume 3C, Part II of the General Statutes of North Carolina, is amended by:

1. deleting the "." at the end of subsection (6) and substituting in lieu thereof "; or";

2. adding a new subsection to read:

"(7) Be on maternity leave, for a period of time not to exceed 60 days. The county Departments of Social Services are expected to cooperate with officials at the North Carolina Correctional Center for Women to coordinate prenatal care, financial services, and placement of the child."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 471 **CHAPTER 484**

AN ACT TO IMPROVE THE SYSTEM OF LICENSING AND REGULATING INSURANCE AGENTS, BROKERS, ADJUSTERS, AND MOTOR VEHICLE DAMAGE APPRAISERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-40.01 is repealed.

Sec. 2. G.S. 58-41(2)b. is rewritten to read:

"b. For agents and general agents: Be a bona fide resident of and actually reside within this State on the date he applies for a license, except as provided in G.S. 58-43 and G.S. 58-43.1. The provisions of this paragraph shall also apply to agents operating under General Statutes Chapters 57 and 57B."

Sec. 3. G.S. 58-41 is amended by striking from that section the final paragraph, which begins with the words, "In addition to" and ends with the words, "the agent's residence".

Sec. 4. G.S. 58-43, as found in the 1983 Supplement, is amended in the third line by substituting "life insurance, annuities, accident, health, or accident and health insurance" for "life insurance and annuities".

Sec. 4.1. G.S. 58-44 is amended in the second line by substituting "G.S. 58-72(4) through G.S. 58-72(22)" for "G.S. 58-72"; and by rewriting the fifth line to read: "insurance as defined in G.S. 58-72(4) through G.S. 58-72(22)".

Sec. 4.2. G.S. 58-257 is amended by rewriting the second sentence to read:

"Any application or enrollment form that is taken by a resident agent shall also contain the certificate of the agent that he has truly and accurately recorded on the application or enrollment form the information supplied by the insured."

Sec. 5. G.S. 58-41.1(d) is amended in the fifth line after the word "applicants" by changing the period to a colon and by adding after the colon the following:

"Provided that the Commissioner is authorized to contract directly with persons for the processing of examination application forms and for the administration and grading of the examinations required by this section; and such contracts shall not be subject to Article 3 of General Statutes Chapter 143."

Sec. 6. G.S. 58-40(a), (b), and (c), and G.S. 58-40.1 are each amended by deleting therefrom the word "annually".

Sec. 7. G.S. 58-40 is amended by adding the following subsections:

"(e) Each license issued by the Commissioner under this section, G.S. 58-40.1, or G.S. 58-41.2 shall be valid for a period of one year. Upon the receipt of an application for renewal and the renewal fee prescribed by G.S. 105-228.7, the Commissioner shall, if the applicant is otherwise qualified, renew the license: Provided that the Commissioner is not required to print licenses for the purpose of renewing licenses. The licenses issued under this section, G.S. 58-40.1, G.S. 58-41.2, and G.S. 58-41.3 shall be in a form prescribed by the Commissioner.

"(f) The Commissioner is authorized to establish 'staggered' systems for licensing persons under this section, G.S. 58-40.1, and G.S. 58-41.2, that will most equally apportion the issuances and renewals of those licenses throughout each calendar year. To this end, the Commissioner is authorized to extend the licensure period for some licensees provided for in subsection (e) of this section for the purpose of establishing the staggered licensing systems. License application and renewal fees prescribed by G.S. 105-228.7 shall be prorated by the Commissioner to the extent that they are commensurate with the licensure periods extended by the Commissioner under this subsection."

Sec. 8. G.S. 105-228.7, as found in the 1983 Supplement, is amended by rewriting the first phrase, which precedes the table of fees, to read:

"Every manager, organizer, adjuster, broker, or agent representing in this State any insurance company, and every motor vehicle damage appraiser as defined in G.S. 58-39.4(o), shall apply for and obtain an

annual certificate of registration or license from the Commissioner of Insurance in accordance with G.S. 58-40 or G. S. 58-40.1. There shall be no additional fee charged for affixing a seal. The following table indicates the annual fees for the respective certificates or licenses:".

Sec. 9. G.S. 105-228.7 is further amended by inserting immediately after the sentence following the table of fees the following sentence: "Fees paid by a company on behalf of a person who is licensed to represent the company shall be paid to the Commissioner on a quarterly or monthly basis, in the discretion of the Commissioner."

Sec. 10. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 651 **CHAPTER 485**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY TO ASSIGN THE AUTHORITY FOR THE REZONING OF PROPERTY TO A DESIGNATED PLANNING AGENCY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-344 is amended by adding at the end the following:

"The Board of County Commissioners may, by ordinance, delegate or assign the authority for the rezoning of property to a designated planning agency. The Board of Commissioners shall provide a right of appeal and review before the Board of County Commissioners in accordance with rules adopted by the County Board of Commissioners. Such authority shall be exercised by the designated planning agency under such rules, regulations and guidelines as may be established by the Board of County Commissioners."

Sec. 2. This act applies to Guilford County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 724 **CHAPTER 486**

AN ACT RELATING TO CONFIDENTIALITY OF LIBRARY USER RECORDS.

The General Assembly of North Carolina enacts:

Section 1. This act may be cited as the Library Privacy Act.

Sec. 2. Chapter 125 of the General Statutes is amended by adding a new Article to read:

"Article 3.
"Library Records.

"§ 125-18. *Definitions.*—As used in this Article, unless the context requires otherwise:

(1) 'Library' means a library established by the State; a county, city, township, village, school district, or other local unit of government or authority or combination of local units of governments and authorities; a community college or university; or any private library open to the public.

(2) 'Library record' means a document, record, or other method of storing information retained by a library that identifies a person as having requested or obtained specific information or materials from a library. 'Library record' does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general.

"§ 125-19. *Confidentiality of library user records.*—(a) Disclosure. A library shall not disclose any library record that identifies a person as having requested or obtained specific materials, information, or services, or as otherwise having used the library, except as provided for in subsection (b).

(b) Exceptions. Library records may be disclosed in the following instances:

(1) When necessary for the reasonable operation of the library;

(2) Upon written consent of the user; or

(3) Pursuant to subpoena, court order, or where otherwise required by law."

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 1008 **CHAPTER 487**

AN ACT TO AMEND THE NORTH CAROLINA MANUFACTURED HOUSING BOARD ACT AND TO MAKE THE TERMINOLOGY REGARDING MANUFACTURED HOUSING CONSISTENT THROUGHOUT THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-143.11(e) is amended by deleting the phrase "receipt of notice of expiration" and substituting the phrase "expiration of the license".

Sec. 2. G.S. 143-143.12(a)(1) is amended by deleting "fifty thousand dollars ($50,000)" and substituting "one hundred thousand dollars ($100,000)".

Sec. 3. G.S. 143-143.13(a)(6) is rewritten to read:

"(6) Having knowingly failed or refused to account for or to pay over moneys or other valuables belonging to others which have come into licensee's possession arising out of the sale of manufactured homes."

Sec. 4. G.S. 143-143.13(a) is amended by adding new subsections (9) through (13) as follows:

"(9) Failure to appear before the Board upon due notice or to follow directives of the Board issued pursuant to this Part;

(10) Employing unlicensed retail salesmen;

(11) Knowingly offering for sale the products of manufacturers who are not licensed pursuant to this Part or selling, to dealers not licensed

pursuant to this Part, manufactured homes which are to be sold in this State to buyers as defined in this Part;

(12) Conviction of a felony or any crime involving moral turpitude;

(13) Having had a license revoked, suspended or denied by the Board under this Part; or having had a license revoked, suspended or denied by a similar entity in another state; or engaging in conduct in another state which conduct, if committed in this State, would have been a violation under this Part."

Sec. 5. G.S. 143-143.13(b) is amended by deleting "two hundred fifty dollars ($250.00)" and inserting "five hundred dollars ($500.00)".

Sec. 6. Article 9A, Part 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-143.24. *Engaging in business without license a misdemeanor.*—If any person shall unlawfully act as a manufactured home manufacturer, dealer, salesman, or set-up contractor without first obtaining a license from the North Carolina Manufactured Housing Board, as provided in this Part, he shall be guilty of a misdemeanor."

Sec. 7. Article 9A, Part 2 of Chapter 143 of the General Statutes is amended by substituting "manufactured home" for the term "mobile home" wherever this term shall appear.

Sec. 8. G.S. 42-36.1 is amended by deleting the term "mobile homes" and substituting the term "manufactured homes".

Sec. 9. Article 11 of Chapter 130A of the General Statutes is amended by substituting "manufactured home" for "mobile home" wherever this term shall appear.

Sec. 10. Section 2 of this act shall become effective July 1, 1986. The remaining sections of this act are effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 1031 **CHAPTER 488**

AN ACT TO PROVIDE THAT A DIVORCED WOMAN MAY RESUME THE SURNAME OF A PRIOR LIVING HUSBAND IF SHE HAS CHILDREN WHO HAVE THAT HUSBAND'S SURNAME.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-12 is amended by rewriting the section to read:

"§ 50-12. *Resumption of maiden name or adoption of name of prior deceased or prior divorced husband.*—(a) Any woman whose marriage is dissolved by a decree of absolute divorce may, upon application to the clerk of court of the county in which she resides setting forth her intention to do so, change her name to any of the following:

(1) her maiden name; or

(2) the surname of a prior deceased husband; or

(3) the surname of a prior living husband if she has children who have that husband's surname.

(b) The application shall be addressed to the clerk of the court of the county in which such divorced woman resides, and shall set forth the full name of the former husband of the applicant, the name of the county and

state in which the divorce was granted, and the term or session of court at which such divorce was granted, and shall be signed by the applicant in her full maiden name. The clerks of court of the several counties of the State shall record and index such applications in such manner as shall be required by the Administrative Office of the Courts.

(c) If a woman, since her divorce, has adopted one of the surnames listed in subsection (a) of this section, her use and adoption of that name is validated.

(d) In the complaint, or counterclaim for divorce filed by any woman in this State, she may petition the court to adopt any surname as provided by this section, and the court is authorized to incorporate in the divorce decree an order authorizing her to adopt that surname."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 1036 CHAPTER 489

AN ACT TO CLARIFY THE PURCHASE OF LIABILITY INSURANCE BY BOARDS OF TRUSTEES IN THE COMMUNITY COLLEGE SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-58.12(a) is amended on line 3 after the word "state" by deleting the "." and adding the following:

"or from other qualified companies as determined by the Department of Insurance."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 1215 CHAPTER 490

AN ACT TO DEFINE KEROSENE IN ACCORDANCE WITH STANDARDS ADOPTED BY THE GASOLINE AND OIL INSPECTION BOARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 119-16.1 is amended as follows: by deleting everything after the word "matter" on the third line and substituting "and meeting the specifications and standards adopted by the Gasoline and Oil Inspection Board."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 1223 **CHAPTER 491**

AN ACT CLARIFYING THAT ALL SPECIES OF MARIJUANA ARE INCLUDED IN THE SCHEDULE OF CONTROLLED SUBSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-87(16) is amended by deleting the phrase "Cannabis sativa L." and substituting the phrase "of the genus Cannabis".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 1367 **CHAPTER 492**

AN ACT TO PROVIDE FOR A SPECIAL ELECTION IN THE CITY OF FAYETTEVILLE TO CONDUCT MUNICIPAL ELECTIONS.

Whereas, the City of Fayetteville received written notice on April 29, 1985, that the United States Attorney General objected to certain annexations of the City of Fayetteville and that until compliance with the Voting Rights Act of 1965, as amended, 42 USC § 1973c, municipal elections cannot be conducted in those annexed areas affected by the decision of the United States Attorney General on April 29, 1985; and

Whereas, the City Council of the City of Fayetteville is making diligent efforts to seek approval of elections in those annexed areas affected by the decision of the United States Attorney General on April 29, 1985, but that it does not appear feasible that said approval can be accomplished in order to comply with 42 USC § 1973c or N.C.G.S. 160A-109 prior to the municipal elections for the year 1985; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter IV, "Elections", of the Charter of the City of Fayetteville is amended by adding the following sections:

"Sec. 4.1.1. Municipal Elections for the Year 1985. The next municipal election in the City of Fayetteville after the effective date of this act, shall be conducted on Tuesday next after the first Monday in May of 1986.

Sec. 4.1.2. Dates for Primaries, Filing Periods, and Method of Conducting Election. The dates for filing periods of candidates, primaries if any, and the method of conducting the election shall be as follows:

a. Primary Date. A primary, if needed, shall be conducted on the fourth Tuesday before the election;
b. Filing Periods. Filing periods for candidates shall be in accordance with N.C.G.S. 163-294.2; and
c. Method of Conducting Election.

All of the provisions of Chapter 163 of the North Carolina General Statutes, applicable to municipal elections and not inconsistent herewith, shall apply to the municipal election established pursuant to Section 4.1.1.

Sec. 4.1.3. Swearing in; Terms of Office. The members of the City Council and the Mayor of the City of Fayetteville, elected in the municipal election established pursuant to Sections 4.1.1 and 4.1.2 herein, shall be

sworn in at the first regular meeting of the Fayetteville City Council after the results of said election have been certified pursuant to Subchapter IX of Chapter 163 of the General Statutes; and shall serve in office until the first regular meeting in December of 1987 after the results of the municipal elections for 1987 have been certified pursuant to Subchapter IX of Chapter 163 of the General Statutes.

Sec. 4.1.4. The County Board of Elections shall have authority to promulgate such rules and regulations as it deems necessary in order to conduct the special election authorized herein."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 1374 **CHAPTER 493**

AN ACT TO ALLOW THE CITY OF LENOIR TO PRIVATELY NEGOTIATE A LEASE OF THE OLD LENOIR HIGH SCHOOL.

The General Assembly of North Carolina enacts:

Section 1. The City of Lenoir is not subject to the provisions, restrictions and limitations as to methods and procedures required to effectuate leases of real property provided for in Article 12 of Chapter 160A of the General Statutes in order to convey through privately negotiated lease, with or without monetary consideration, for a period not to exceed 99 years, the property known as Old Lenoir High School; bounded on the East by Willow Street, on the North by Harper Avenue, and on the South by College Avenue.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 1392 **CHAPTER 494**

AN ACT TO PROVIDE FOR THE COMPOSITION AND MANNER OF ELECTION OF THE CUMBERLAND COUNTY BOARD OF EDUCATION.

Whereas, a plan entitled "A PLAN TO PROVIDE FOR THE MERGER AND CONSOLIDATION OF THE FAYETTEVILLE CITY BOARD OF EDUCATION AND THE CUMBERLAND COUNTY BOARD OF EDUCATION AND TO ESTABLISH ONE ADMINISTRATIVE BOARD OF EDUCATION FOR ALL OF THE PUBLIC SCHOOLS IN CUMBERLAND COUNTY" was previously and lawfully approved under G.S. 115C-67; and

Whereas, the North Carolina General Assembly previously has enacted Chapter 126, Session Laws of 1985, said act being entitled "AN ACT TO REDISTRICT THE CUMBERLAND COUNTY BOARD OF EDUCATION, AND TO APPOINT TWO PERSONS TO THE CUMBERLAND COUNTY INTERIM BOARD OF EDUCATION"; and

Whereas, pursuant to Section 1.1 of said act, the Cumberland County Interim Board of Education has duly and lawfully considered and adopted

a proposed plan for the composition and manner of election of the Cumberland County Board of Education; and

Whereas, the General Assembly concurs with the proposed plan duly and lawfully adopted by the Cumberland County Interim Board of Education for the composition and manner of election of the Cumberland County Board of Education; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Section 4B of A PLAN TO PROVIDE FOR THE MERGER AND CONSOLIDATION OF THE FAYETTEVILLE CITY BOARD OF EDUCATION AND THE CUMBERLAND COUNTY BOARD OF EDUCATION AND TO ESTABLISH ONE ADMINISTRATIVE BOARD OF EDUCATION FOR ALL OF THE PUBLIC SCHOOLS IN CUMBERLAND COUNTY, as approved under G.S. 115C-67 (hereinafter referred to as "The Plan") is reinstated as follows:

"B. The Cumberland County Board of Education shall consist of nine members. The membership of the Cumberland County Board of Education shall be elected as follows:

(1) Six members shall be elected in November, 1988, each for a four-year term, and quadrennially thereafter for a four-year term, one member coming from each of the following districts:

(a) District One: Cumberland County Precincts Cross Creek 1, Cross Creek 3, Cross Creek 19, Cross Creek 5, Cross Creek 9, Westarea, Cross Creek 16, and Manchester.

(b) District Two: Cumberland County Precincts Cross Creek 13, Cross Creek 17, Beaver Lake, Spring Lake, Morganton 1, that part of census tract 33.02 in Precinct Seventy-First-1, Fort Bragg and Pope Air Force Base.

(c) District Three: Cumberland County Precincts Cross Creek 4, Cross Creek 7, Cross Creek 6, Cross Creek 21, Cross Creek 14, Cross Creek 12, that part of Precinct Seventy-First-1, which is not in District Two, Morganton 2 and Cottonade.

(d) District Four: Cumberland County Precincts Cross Creek 15, Cross Creek 18, Cross Creek 11, Cross Creek 10, Cross Creek 20, Montclair, Seventy-First-2, Seventy-First-3, Cross Creek 8, Cumberland 2 and Pearces Mill 4.

(e) District Five: Cumberland County Precincts Cross Creek 22, College Lakes, Long Hill, Linden, Black River, Eastover, Wade, Vander, Stedman, Judson, Cedar Creek and Beaver Dam.

(f) District Six: Cumberland County Precincts Pearces Mill 1, Pearces Mill 2, Pearces Mill 3, Alderman, Sherwood, Hope Mills 2, Hope Mills 1, Cumberland 1 and Brentwood.

(2) Three members shall be elected at large from Cumberland County in November 1988, for initial terms of six years, and thereafter quadrennially for four-year terms.

(3) The election of the Board of Education shall be on a nonpartisan basis at the time of the November General Election, as set out in Chapter 163 of the General Statutes. Only qualified voters of each district as set out in subsection (1) above shall be eligible to vote for candidates for each respective district seat; only qualified voters of Cumberland County, as set out in subsection (2), will be eligible to vote for at-large candidates.

(4) In the event of the death, resignation or other event creating a vacancy in the board after merger, such member shall be replaced by a vote of the remaining members of the board, if the vacancy occurs in a seat elected by district vote, then such replacement shall be selected out of the district from which the vacancy occurred. In the event of the death, resignation or other event creating a vacancy in the board after merger in an at-large seat, such member shall be replaced by a vote of the board without giving consideration to the district from which the at-large member may have come."

Sec. 2. All other provisions of the PLAN TO PROVIDE FOR THE MERGER AND CONSOLIDATION OF THE FAYETTEVILLE CITY BOARD OF EDUCATION AND THE CUMBERLAND COUNTY BOARD OF EDUCATION AND TO ESTABLISH ONE ADMINISTRATIVE BOARD OF EDUCATION FOR ALL OF THE PUBLIC SCHOOLS IN CUMBERLAND COUNTY, as approved under G.S. 115C-67, and as modified by House Bill 422, codified as Chapter 126, 1985 North Carolina Session Laws, are hereby reaffirmed and incorporated herein by reference.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

H.B. 1397 **CHAPTER 495**

AN ACT TO AMEND CHAPTER 2 OF THE SESSION LAWS OF 1985 TO PROVIDE FOR THE APPOINTMENT OF THREE ADDITIONAL MEMBERS TO THE INTERIM BOARD AND SUBSEQUENT TO JULY 1, 1986, TO THE PITT COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 2 of the Session Laws of 1985 is amended as follows:

(1) Section 4(a) is amended by substituting numeral "15" for the numeral "12".

(2) Section 4(b) is amended by deleting the word "and" after "membership of the city board", by changing the period at the end of the paragraph to a comma, and by adding "and shall include Matthew Donovan Phillips, Alfreida Jordan Parker, and David Lee Shackleford." at the end of the paragraph.

(3) Section 4(c) is amended by adding subdivision (3) to read:

"(3) If the vacancy occurs for a seat held by one of the named individuals specified in Section 4(b), that seat shall be filled by a committee consisting of the other two individuals specified in Section 4(b), one member of the Interim Board as designated from the former County Board and one member of the Interim Board as designated from the former City Board. Any such selection by said committee shall be effective only upon ratification by the full Interim Board."

(4) Section 4(d) is amended by substituting the numeral "15" for the numeral "12" each time it appears.

(5) Section 4.1 is amended by inserting at the beginning of the first sentence, "Until the first Monday in December, 1992,".

(6) Section 5.2 subsections (a), (b), and (c) are each amended by deleting the words "and every six years thereafter,".

(7) Section 5.2 is further amended by adding paragraph (d) as follows:

"(d) The terms of office of all members of the Pitt County Board of Education elected in accordance with this section shall expire the first Monday in December, 1992."

(8) Section 5.3 is amended by adding subsection (d) as follows:

"(d) The terms of the office of Matthew Donovan Phillips, Alfreida Jordan Parker, and David Lee Shackleford, or of the fully appointed successor of any of them, shall expire the first Monday in December, 1992."

(9) Section 6 is amended by deleting the phrase, "In 1986 and thereafter as terms expire" and substituting therefor, "From 1986 through 1990".

(10) Section 7 is rewritten to read:

"(a) In 1991 the Pitt County Board of Education shall adopt a method of election of the Board to take office beginning the first Monday in December, 1992, consisting of a combination of at-large and single member districts apportioned so as to maintain at least the proportion of minority representation as exists on the Interim Board when this act becomes effective.

(b) A map of these districts shall be filed with the Pitt County Board of Elections.

(c) All members of the Pitt County Board of Education shall be elected by the nonpartisan plurality method of election as provided in paragraphs (1), (3), (4), and (5) of Section 6 of the act.

(d) Candidates seeking election from the single member districts shall be placed on the ballot by district and the candidate in each district receiving the highest total vote shall be elected. All candidates seeking election from the at-large seats shall be placed on the ballot without numbered seats and the candidates receiving the highest total vote shall be elected. The qualified voters of each district shall elect members who reside in the district for the seat apportioned to that district, and the qualified voters of the entire county shall elect at-large members."

(11) Section 8 is amended by deleting the last sentence of that section and by substituting the following:

"If a vacancy occurs in the Pitt County Board of Education, it shall be filled by the remaining members of the Board, provided that if the vacancy is for a seat with a residency requirement, it shall be filled by a person who resides in that district. Any vacancy in a seat on the Pitt County Board of Education, which was held by Matthew Donovan Phillips, Alfreida Jordan Parker, David Lee Shackleford or the duly appointed successor of any of them, shall be filled as specified in Section 4(3)(c) of the act."

Sec. 2. Any act taken by the Interim Board pursuant to Section 3(c) and (e) of Chapter 2 of the Session laws of 1985 shall become effective upon ratification by the Interim Board as established in this Chapter.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.

S.B. 740 **CHAPTER 496**

AN ACT TO PROVIDE AN ALTERNATE PROCEDURE FOR HOLDING GOOD FAITH DEPOSITS WITH THE STATE TREASURER.

The General Assembly of North Carolina enacts:

Section 1. G.S. Chapter 147, Article 6, is amended by adding after G.S. 147-78 a new section to read:

"§ 147-78.1. *Good faith deposits; use of master trust.*—Notwithstanding any other provision of law, the State Treasurer is authorized to select a bank or trust company as master trustee to hold cash or securities to be pledged to the State when deposited with him pursuant to statute or at the request of another State agency. Securities may be held by the master trustee in any form that, in fact, perfects the security interest of the State in the securities. The State Treasurer shall by rule or regulation establish the manner in which the master trust shall operate. The master trustee may charge reasonable fees for services rendered to each person who deposits the cash or securities with the State."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1985.

H.B. 1320 **CHAPTER 497**

AN ACT TO AMEND G.S. CHAPTER 131C GOVERNING THE SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131C-1 is amended to read as follows:

"This Chapter shall be known and may be cited as the 'Charitable Solicitations Act'."

Sec. 2. G.S. 131C-3 is amended by adding a new subdivision immediately following subdivision (5) and immediately preceding subdivision (6), to be numbered subdivision (5a), and to read as follows:

"(5a) 'Fund-raising Fees' means the difference determined by subtracting from all monies raised pursuant to all solicitations on behalf of a particular person established for a charitable purpose the amount actually paid to the person established for a charitable purpose."

Sec. 3. Subsection (b) of G.S. 131C-4 is amended to read as follows:

"(b) A person other than a professional solicitor or professional fund-raising counsel may solicit charitable contributions after filing the application until the Department notifies him that the application has been denied and he waives or exhausts his administrative remedies under Article 3 of Chapter 150A."

Sec. 4. G.S. 131C-6 is amended to read as follows:

"Any person who acts as professional fund-raising counsel or professional solicitor shall apply for and obtain an annual license from the Department, and shall not act as a professional fund-raising counsel or professional solicitor until after obtaining such license. A person who is authorized to act on behalf of a licensed professional fund-raising counsel

or a licensed professional solicitor is not required to obtain a license under this section."

Sec. 5. G.S. 131C-10 is amended to read as follows:

"An applicant under G.S. 131C-6 shall, at the time of making application, file with and have approved by the Department a bond in which the applicant shall be the principal obligor in the sum of twenty thousand dollars ($20,000) with one or more sureties satisfactory to the Department, whose liability in the aggregate as such sureties will at least equal the said sum; and the applicant shall maintain said bond in effect so long as the license is in effect. The bond shall run to the State for the use of said bond for any penalties and to any person who may have a cause of action against the obligor of the bond for any losses resulting from the obligor's conduct of any and all activities subject to this Chapter or arising out of a violation of this Chapter or any rule of the Commission."

Sec. 6. G.S. 131C-14 is amended by adding, after the text of subsection (b), the following:

"(c) If under any contract between a professional fund-raising counsel or professional solicitor and a person established for a charitable purpose there is a possibility that such person might ultimately receive less than fifty percent (50%) of the gross receipts of a solicitation, then that fact must be specifically and prominently disclosed to such person in the written contract and orally before execution of the contract, by the professional fund-raising counsel or professional solicitor."

Sec. 7. G.S. 131C-16 is amended by replacing the present catch line with the following:

"Disclosures upon request."

Sec. 8. Chapter 131C of the General Statutes is amended by adding a new section immediately following G.S. 131C-16 and immediately preceding G.S. 131C-17, to be numbered G.S. 131C-16.1, and to read as follows:

"§ 131C-16.1. *Mandatory disclosures.*—During any solicitation and before requesting or appealing either directly or indirectly for any charitable contribution a professional solicitor shall disclose to the person solicited:

(1) His name; and

(2) The name of the professional solicitor or professional fund-raising counsel by whom he is employed and the address of his employer; and

(3) The average of the percentage of gross receipts actually paid to the persons established for a charitable purpose by the professional fund-raising counsel or professional solicitor conducting the solicitation for all charitable sales promotions conducted in this State by that professional fund-raising counsel or professional solicitor for the past 12 months, or for all completed charitable sales promotions where the professional fund-raising counsel or professional solicitor has been soliciting funds for less than 12 months."

Sec. 9. Chapter 131C of the General Statutes is amended by adding a new section immediately following G.S. 131C-17 and immediately preceding G.S. 131C-18, to be numbered G.S. 131C-17.1, and to read as follows:

"§ 131C-17.1. *Employment of agents regulated.*—(a) No professional solicitor or professional fund-raising counsel shall solicit charitable contributions through the efforts, either direct or indirect, of an independent contractor or any other person who is not the employee of the professional solicitor or professional fund-raising counsel.

(b) A professional solicitor or professional fund-raising counsel is responsible and liable for the acts of his employees in the solicitation, either direct or indirect, of charitable contributions. For purposes of this subsection, a professional solicitor or professional fund-raising counsel is deemed to be the employer of all persons acting under his license."

Sec. 10. Chapter 131C of the General Statutes is amended by adding a new section immediately following G.S. 131C-17.1 if passed by the General Assembly, and immediately preceding G.S. 131C-18, to be numbered G.S. 131C-17.2, and to read as follows:

"§ 131C-17.2. *Excessive and unreasonable fund-raising fees prohibited.*—(a) No professional fund-raising counsel or professional solicitor who contracts to raise funds for a person established for a charitable purpose may charge such person established for a charitable purpose an excessive and unreasonable fund-raising fee for raising such funds.

(b) For purposes of this section a fund-raising fee of twenty percent (20%) or less of the gross receipts of all solicitations on behalf of a particular person established for a charitable purpose is deemed to be reasonable and nonexcessive.

(c) For purposes of this section a fund-raising fee greater than twenty percent (20%) but less than thirty-five percent (35%) of the gross receipts of all solicitations on behalf of a particular person established for a charitable purpose is excessive and unreasonable if the party challenging the fund-raising fee also proves that the solicitation does not involve the dissemination of information, discussion, or advocacy relating to public issues as directed by the person established for a charitable purpose which is to benefit from the solicitation.

(d) For purposes of this Act only, a fund-raising fee of thirty-five percent (35%) or more of the gross receipts of all solicitations on behalf of a particular person established for a charitable purpose may be excessive and unreasonable without further evidence of any other fact by the party challenging the fund-raising fee. The professional fund-raising counsel or professional solicitor may successfully defend the fund-raising fee by proving that the level of the fee charged was necessary:

(1) Because of the dissemination of information, discussion, or advocacy relating to public issues as directed by the person established for a charitable purpose which is to benefit from the solicitation; or

(2) Because otherwise ability of the person established for a charitable purpose which is to benefit from the solicitations to raise money or communicate its ideas, opinions, and positions to the public would be significantly diminished.

(e) Where the fund-raising fee charged by a professional fund-raising counsel or a professional solicitor is determined to be excessive and unreasonable, the fact finder making that determination shall then

determine a reasonable fee under the circumstances. The difference between the fee charged and the reasonable fee as determined by the fact finder shall be paid by professional fund-raising counsel or professional solicitor to the person established for a charitable purpose which initially was charged the excessive and unreasonable fee."

Sec. 11. G.S. 131C-18 is amended to read as follows:

"The Secretary of Human Resources shall have the power, and it shall be his duty, to investigate, from time to time, the activities of all persons soliciting charitable contributions in this State, which are or may in his opinion be subject to this Chapter, or which have or may have violated the provisions of this Chapter. Such investigation shall be with a view of ascertaining whether this Chapter is being or has been violated by any such person, and if so, in what respect, with the purpose of acquiring such information as may be necessary to enable him to grant or deny an application for licensure, to revoke a license, to seek an injunction against any person, or to take any other action pursuant to this Chapter."

Sec. 12. Chapter 131C of the General Statutes is amended by adding a new section immediately following G.S. 131C-21 and immediately preceding G.S. 131C-22, to be numbered G.S. 131C-21.1, and to read as follows:

"§ 131C-21.1. *Other remedies.*—(a) The solicitation of charitable contributions by a professional solicitor or professional fund-raising counsel or by an agent, employee, or servant thereof without making the disclosures required by G.S. 131C-16, and G.S. 131C-16.1 shall be considered an unfair or deceptive trade practice, as prohibited by G.S. 75-1.1, and any person solicited, to whom these disclosures were not made, and who made a charitable contribution in response to such solicitation shall have a right of action on account of such injury done under G.S. 75-16 and G.S. 75-16.1 against the offending professional solicitor or professional fund-raising counsel. There is no right of action under this section against a person established for a charitable purpose. In any action under this subsection, the measure of damages shall be the amount of the contribution made by the person solicited.

(b) The Attorney General may bring a civil action as provided in Article 1 of Chapter 75 in order to protect the public from the unfair trade practice or practices described in subsection (a). In prosecuting this civil action, the Attorney General may make use of any and all powers, remedies, and civil penalties provided under Article 1 of Chapter 75.

(c) The Secretary of Human Resources may on his own motion commence a hearing to determine whether a professional solicitor or professional fund-raising counsel has charged a person established for a charitable purpose a fund-raising fee which is excessive and unreasonable. If the Secretary or his designated hearing officer determines the fund-raising fee to be unreasonable and excessive, then it shall determine the extent of a reasonable and nonexcessive fee, and shall order the professional solicitor or professional fund-raising counsel to pay the difference to the person established for a charitable purpose who was charged the excessive and unreasonable fund-raising fee. The Secretary is hereby empowered to issue such orders in connection with these hearings.

These hearings shall be governed by the Administrative Procedure Act, Chapter 150A of the General Statutes.

(d) The Secretary of Human Resources may commence the proceedings provided for in subsection (c) where he is requested to do so in writing by the chief executive officer of any person established for a charitable purpose within 60 days after the last payment of money to the person established for a charitable purpose by the professional fund-raising counsel or professional solicitor."

Sec. 13. This act shall become effective 60 days after ratification.

Sec. 14. If any portion of this act is for any reason held to be unconstitutional or otherwise invalid such decision shall not affect the validity of the remainder of the act.

In the General Assembly read three times and ratified, this the 28th day of June, 1985.

S.B. 213 **CHAPTER 498**

AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH RELATING TO DRIVEWAYS, SITE PLAN AND SUBDIVISION APPROVAL, ROAD OR DRAINAGE PROJECT FEES, AND OPEN SPACE PROJECT FEES.

Whereas, rapid growth through the influx of new residents and new construction impose increased capital costs on the City of Raleigh, and the amount of federal aid to cities to accommodate growth and development is being reduced; and

Whereas, unless new regulatory authority is granted to complement other existing land use control regulations, the very community service facilities which make Raleigh and its environs a desirable place to work and live will be overburdened; and

Whereas, it is the purpose of this act to better enable the City of Raleigh to accommodate orderly growth and development within its corporate limits and extraterritorial jurisdiction by providing it with new methods of regulating development to meet increased demands for community service facilities and to provide off-site community service facilities generated by new construction; and

Whereas, it is the further purpose of this act to place an equitable share of the cost of providing new community service facilities on all new inhabitants, occupants, and construction and not just developments regulated pursuant to Part 2, Article 19, Chapter 160A of the General Statutes; and

Whereas, privately owned community service facilities do not lessen the need for public facilities, and to allow private community service facilities to be used to reduce the facility fees herein authorized would destroy the predictability of revenues generated by the fee; and

Whereas, it is the intent of the General Assembly that the costs of expanded and additional community service facilities be borne by those associated with the development process or the inhabitants and occupants of new construction and development who make these additional costs

necessary rather than placing the brunt of these costs on existing occupants and inhabitants; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Section 22(63) of the Charter of the City of Raleigh, being Chapter 1184 of the Session Laws of 1949, is amended by inserting immediately before the first semicolon the following words: "or its extraterritorial jurisdiction".

Sec. 2. That Section 22 of the Charter of the City of Raleigh, being Chapter 1184, Session Laws of 1949, captioned "Express Powers Enumerated", and relating to that subject be and the same is amended by adding new subdivisions to read:

"(80) *Site Plans.* The City Council may as part of its zoning regulations require that a site plan be prepared, submitted, and approved prior to the issuance of a building permit for new construction, excluding renovation and repair of existing structures, and excluding accessory uses and their structures, unless such renovations and repairs and accessory uses shall cause an increase in the off-street parking requirement or a change in occupancy as occupancy is defined by the North Carolina State Building Code. Such local law shall specify the elements to be included in site plans submitted for approval in accordance with standards of the zoning code; such elements may include, where appropriate, those relating to off-street parking, driveway access, internal circulation, screening, signs, landscaping, architectural features, locations and dimensions of buildings, topography and grading, utilities, drainage structures, street and sidewalk improvements, loading and service areas, fire hydrants, and such other elements as may reasonably be related to the health, safety and general welfare of the community. Where appropriate, approval of site plans may be conditioned to include requirements that street and utility rights-of-way be dedicated to or reserved for the public, or street and utility improvements be made to the same extent as required by the local subdivision regulations. This provision shall not apply to additions of less than five percent (5%) of gross floor area on an annual basis unless such addition causes an increase in the off-street parking requirement or a change in occupancy as occupancy is defined by the North Carolina State Building Code. The City Council shall prescribe procedures for review and approval of such site plans to insure that development of property shall conform to applicable zoning or other relevant laws or regulations, with approvals by designated city staff, or the City Council. Appeals shall lie from the staff to the City Council. The City Council may require that site plans be in conformity with previously approved subdivision plans for the same property; further, in the event of conflict between a requirement for site plan approval and requirements for previously approved subdivision plans, the latter shall control.

"(81) *Road or Drainage Projects Fee.*

(a) Definitions. The following words in this subdivision are defined for this subdivision as follows, unless the contrary clearly appears from the context:

(1) Capital Costs. 'Capital costs' shall mean costs spent for developing new road or public storm drainage projects or road or public

storm drainage improvements; such costs may include land acquisition, design, and construction, and no other.

(2) Road or Drainage Project. 'Road or drainage project' shall mean road or public storm drainage improvements provided or established by the City or in conjunction with other units of government which are required in addition to those required by the subdivision regulations.

(3) Developer. 'Developer' shall mean an individual, corporation, partnership, organization, association, firm, political subdivision, or other legal entity constructing or creating new construction.

(4) Road or Drainage Project Fee. 'Road or drainage project fee' shall mean the charge imposed upon new construction pursuant to the grant of regulatory authority contained herein.

(5) New Construction. 'New Construction' shall mean any new development, construction, or installation that results in real property improvement or which requires a building permit. This term shall include the installation of a mobile home and factory built and modular housing. This term shall not include fences, billboards, poles, pipelines, transmission lines, advertising signs, or similar structures and improvements, or renovations and repairs, which do not generate the need for additional or expanded road or drainage projects upon completion of the the new construction.

(b) Subject to the conditions hereinafter set forth, the City of Raleigh, following the adoption of an ordinance or ordinances, shall have the right, power, and authority to impose and collect a regulatory fee defined herein as a road or drainage project fee on all new construction within its city limits and extraterritorial jurisdiction.

(c) Requirements and limitations.

(1) No road or drainage project fee shall be enacted until the City Council has caused to be prepared a report containing: (i) a description of the anticipated capital costs to the City of each additional or expanded road or drainage project; (ii) a description of the relevant characteristics of construction which give rise to additional or expanded road and drainage projects, such as population, trip generation, storm-water runoff, and flow characteristics; (iii) a plan for providing one or more road or drainage projects has been prepared.

(2) Before adopting or amending any road or drainage project fee ordinance authorized by this section, the City Council shall hold a public hearing. A notice of the public hearing shall be given so as to conform with G.S. 160A-364, as it may be amended from time to time. No such ordinance shall be adopted or amended without receiving the planning commission recommendation to the City Council. If the planning commission shall fail to return a recommendation within 60 days of submittal of an ordinance, the ordinance shall be returned to the City Council and deemed to have a favorable recommendation as submitted to the planning commission.

(3) The amount of each fee imposed and collected hereunder shall be based upon reasonable and uniform considerations of capital costs to be incurred by the City as a result of new construction and shall bear a reasonable relationship to such capital costs. Such fee shall be based upon reasonable classifications and rates which shall be uniformly applied to all members of a class; however, the fees may differ within zones which may be established depending on the special needs and costs of road and drainage projects in such zones. To the extent that the developer installs and dedicates road or drainage projects for which the use of the fee is designated, which immediately become the property of the City or another unit of government, and which are not otherwise reimbursed by the City, the fee shall be reduced by an amount equal to the value of the improvements or dedications.

(4) All monies from fees collected hereunder shall be placed in a separate trust fund. Expenditures from such trust fund for any one road or drainage project shall not exceed fifty percent (50%) of the capital costs of such individual project. No expenditures from such trust fund shall be made for any purpose other than a road or drainage project undertaken by the City, or by the City in conjunction with other units of government. Facility fees shall be spent for those community service facilities authorized by this Section 81 which the City provides within six years after its collection and within 10 years for those community service facilities authorized by this Section 81 which the City provides in conjunction with other units of government.

"(82) *Open Space Projects Fee.*

(a) Definitions. The following words in this subdivision are defined for this subdivision, as follows, unless the contrary clearly appears from the context:

(1) Capital Costs. 'Capital costs' shall mean costs spent for the purchase only of land for open space but not for development thereof.

(2) Open Space Project. 'Open space project' shall mean the acquisition of any space or area which is predominantly undeveloped land whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development.

(3) Developer. 'Developer' shall mean an individual, corporation, partnership, organization, association, firm, political subdivision, or other legal entity constructing or creating new construction.

(4) Open Space Projects Fee. 'Open space projects fee' shall mean the charge imposed upon new construction pursuant to the grant of regulatory authority contained herein.

(5) New Construction. 'New construction' shall mean any new development, construction, or installation that results in real property improvement or which requires a building permit. This term shall include the installation of a mobile home and factory built and modular housing. This term shall not include fences, billboards, poles, pipelines, transmission lines, advertising signs,

or similar structures and improvements, or renovation and repairs, which do not generate the need for additional or expanded open space projects upon completion of the new construction.

(b) Subject to the conditions hereinafter set forth, the City of Raleigh, following the adoption of an ordinance or ordinances, shall have the right, power, and authority to impose and collect a regulatory fee defined herein as an open space project fee on all new construction within its city limits and extraterritorial jurisdiction.

(c) Requirements and limitations.

(1) No open space project fee shall be enacted until the City Council has caused to be prepared a report containing: (i) a description of the anticipated capital costs to the City of each additional or expanded open space project; (ii) a description of the relevant characteristics of construction which give rise to additional or expanded open space projects; (iii) a plan for providing one or more open space projects has been prepared.

(2) Before adopting or amending any open space project fee ordinance authorized by this subdivision, the City Council shall hold a public hearing. A notice of the public hearing shall be given so as to conform with G.S. 160A-364, as it may be amended from time to time. No such ordinance shall be adopted or amended without receiving the planning commission's recommendation to the City Council. If the planning commission shall fail to return a recommendation within 60 days of submittal of an ordinance, the ordinance shall be returned to the City Council and deemed to have a favorable recommendation as submitted to the planning commission.

(3) The amount of each fee imposed and collected hereunder shall be based upon reasonable and uniform considerations of capital costs to be incurred by the City as a result of new construction and shall bear a reasonable relationship to such capital costs. Such fee shall be based upon reasonable classifications and rates which shall be uniformly applied to all members of a class; however, the fees may differ within zones which may be established depending on the special needs and costs of open space projects in such zones. To the extent that the developer acquires and dedicates open space for open space projects for which the use of the fee is designated, which immediately becomes the property of the City, or another unit of government, and which are not otherwise reimbursed by the City, the fee shall be reduced by an amount equal to the value of the open space dedications.

(4) All monies from fees collected hereunder shall be placed in a separate trust fund. Expenditures from such trust fund for any one open space project shall not exceed fifty percent (50%) of the capital costs of such individual project. No expenditures from such trust fund shall be made for any purpose other than an open space project undertaken by the City, or by the City in conjunction with other units of government. Open space project fees shall be spent for those community service facilities authorized by this Section

82 which the City provides within six years after its collection and within 10 years for those community service facilities authorized by this Section 82 which the City provides in conjunction with other units of government.

"(83) The City is authorized to enact ordinances, resolutions, rules and regulations that are reasonable, necessary or expedient to carry subdivisions (80), (81) and (82) into execution and effect.

"(84) The powers conferred in subdivisions (80), (81) and (82) shall be supplementary in addition to all other powers and procedures authorized by any other general or local law. Assessments, charges, fees, or rates authorized by any other general or local law shall not be affected by the provisions of this section."

Sec. 3. The second unnumbered paragraph of G.S. 160A-373 is rewritten to read:

"The ordinance may provide that final approval of each individual subdivision plat is to be given by

(1) The city council,
(2) The city council on recommendation of a planning agency,
(3) A designated planning agency, or
(4) The city manager or those officials or employees to whom he may delegate such authority."

Sec. 4. This act shall apply only to the City of Raleigh.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1985.

H.B. 258 **CHAPTER 499**

AN ACT TO PROVIDE FOR THE CONTINUATION OF THE UTILITY REVIEW COMMITTEE AS THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE.

Whereas, the North Carolina General Assembly originally established the Utility Review Committee in 1975, for an initial term of five years, to evaluate the actions of the North Carolina Utilities Commission and analyze the operations of the several utility companies doing business in North Carolina and to make periodic reports and recommendations to the General Assembly; and

Whereas, in 1979 the General Assembly authorized the Utility Review Committee to continue its work for an additional five-year period, until June 30, 1985; and

Whereas, during the past 10 years the Utility Review Committee has faithfully discharged the duties assigned to it; and

Whereas, the complex nature of utility regulation makes it difficult for the members of the General Assembly to exercise responsible judgment unless adequately informed in such complex areas as the regulation and operation of public utilities, the relationship of State and federal law and regulation, and other complex issues related to ensuring adequate supplies of energy and other utility services to the individual and corporate citizens of the State at reasonable cost; and

Whereas, the Utility Review Committee can continue to serve to inform the members of the General Assembly on the regulation and operation of public utilities and other complex matters related to utility service in the State; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 120 of the General Statutes is amended by adding a new Article to read as follows:

"Article 12A.
"Joint Legislative Utility Review Committee.

"§ 120-70.1. *Committee established.*—There is hereby established a permanent committee of the General Assembly to be known as the Joint Legislative Utility Review Committee, hereinafter called the Joint Committee, which shall exercise the powers and fulfill the duties described in this Article.

"§ 120-70.2. *Appointment of members and organization.*—The Joint Committee shall consist of six sitting members of the General Assembly. Three shall be appointed by the President of the Senate from the membership of the Senate and three shall be appointed by the Speaker of the House of Representatives from the membership of the House. Members will serve at the pleasure of their appointing officer and any vacancies occurring on the Joint Committee shall be filled by the presiding officer of the appropriate house. The initial membership of the Joint Committee shall consist of the membership of the Utility Review Committee on the effective date of this Article. A Senate cochairman and a House cochairman shall be elected by the Joint Committee from among its members. A quorum shall consist of four members.

"§ 120-70.3. *Powers and duties.*—The Joint Committee shall have the following powers and duties:

(1) To evaluate the actions of the North Carolina Utilities Commission, including the review of its interim and final orders, to the end that the members of the General Assembly may better judge whether these actions serve the best interest of the citizens of North Carolina, individual and corporate.

(2) To analyze the operations of the several utility companies doing business in North Carolina, including review of their programs, projects, sources and amounts of income, performance and accomplishments, and determination of whether expenditures were in all cases appropriate and necessary.

(3) To inquire into the role of the North Carolina Utilities Commission, the Public Staff, and the several utility companies in the development of alternate sources of energy.

(4) To inquire into the individual and collective effort of the utility companies to encourage the conservation of energy and thus reduce requirements for additional generating facilities.

(5) To review and evaluate changes in federal law and regulation, or changes brought about by court actions, as well as changes in technology affecting utilities, to determine whether the State's laws require modification as a result of those changes.

(6) To submit evaluations to the General Assembly, from time to time, of the performance of the North Carolina Utilities Commission, the Public Staff, and the various utilities operating in the State. A proposed draft of such evaluations shall be submitted to the North Carolina Utilities Commission, the Public Staff and the affected public utilities prior to submission to the General Assembly and the affected entity shall be given an opportunity to be heard before the Joint Committee prior to the completion of the evaluation and its submission to the General Assembly.

(7) To make reports and recommendations to the General Assembly, from time to time, on matters relating to the powers and duties set out in this section.

(8) To undertake such additional studies or evaluations as may, from time to time, be requested by the President of the Senate, the Speaker of the House of Representatives, the Legislative Research Commission, or either House of the General Assembly.

"§ 120-70.4. *Additional powers.*—The Joint Committee, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S. 120-19 and 120-19.1 through 120-19.4. The Joint Committee may meet at any time upon the call of either chairman, whether or not the General Assembly is in session.

"§ 120-70.5. *Compensation and expenses of members.*—Members of the Joint Committee shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

"§ 120-70.6. *Joint Committee staffing.*—The Joint Committee shall use clerical and professional employees of the General Assembly for its staff, who shall be made available to the Joint Committee by the Legislative Services Commission. The Joint Committee shall have the power to employ other professional staff, upon the determination of the necessity therefor by the Joint Committee; provided, however, that sufficient funds for such outside staff are available within the Joint Committee's budget. Travel and subsistence allowances for staff and employees of the Joint Committee shall be as fixed by G.S. 138-6 and G.S. 138-7 when such travel is approved by either chairman. Employees of the Joint Committee shall not be subject to the Executive Budget Act or to the State Personnel Act. Suitable office and meeting space, and appropriate equipment, shall be assigned to the Joint Committee by the Legislative Services Commission."

Sec. 2. Any unexpended funds budgeted to the Utility Review Committee may be expended by the Joint Legislative Utility Review Committee.

Sec. 3. Resolution 78, 1979 Session Laws and Section 61, Chapter 1127, 1981 Session Laws, are repealed.

Sec. 4. G.S. 62-15(a) is amended by inserting the words "Joint Legislative" before the words "Utility Review Committee".

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1985.

H.B. 470 **CHAPTER 500**

AN ACT TO CREATE THE SPARTA/ALLEGHANY AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. There is created a body corporate and politic to be known as the Town of Sparta-County of Alleghany Airport Authority, hereinafter referred to as the Airport Authority, which shall have the powers set forth in this act.

Sec. 2. The Airport Authority shall consist of five members to be appointed in the following manner and for the following terms: two members shall be appointed by the governing body of the Town of Sparta; they shall be residents of the Town, one member for a term of two years beginning July 1, 1985, and a second member for a term of four years beginning July 1, 1985. Two members shall be appointed by the governing body of the County of Alleghany, they shall be residents of the County, one member for a term of one year beginning July 1, 1985, and a second member for a term of three years beginning July 1, 1985. The fifth member, who shall be a resident of the Town and/or the County, shall be appointed by the four members appointed by the respective governing bodies and shall serve a two-year term from the date of his appointment. Upon the occurrence of any vacancy on the Airport Authority, or in the event a member of the Airport Authority becomes ineligible because he ceases to reside within the Town or County, that vacancy shall be filled by the same appointing procedure as was used to appoint the vacating member, except that the newly appointed member shall serve only the unexpired term of the vacating member. The Airport Authority shall elect a chairman from among its membership, and he shall serve as chairman for two years or until his term expires.

Sec. 3. The Airport Authority shall adopt suitable bylaws for the conduct of business, and shall make provision for the recording of minutes of all meetings.

Sec. 4. The Airport Authority shall have the following powers:

(a) To purchase, lease, construct, maintain, improve, equip, operate, and regulate an airport for the use of aircraft or for any other purposes, and to purchase, lease, or otherwise hold any real property or personal property as may be necessary to the operation of the airport.

(b) To sue or be sued in the name of the Airport Authority, to make any contracts that are necessary for the exercise of its powers, and to acquire any existing lease, leasehold right, or other interest in any existing airport.

(c) To charge and collect reasonable fees and rents for the use of the airport or for services rendered in the operation of the airport.

(d) To establish and enforce regulations that may be necessary for the proper maintenance and operation of the airport, and to fix penalties for violation of those regulations, except that the regulations shall not conflict with the laws of the State or with Federal Aviation Regulations.

(e) To sell, lease, rent, or otherwise dispose of any property belonging to the Airport Authority.

(f) To contract, covenant, or otherwise establish agreements with one or more second parties, under which the other parties shall manage, supervise, or operate the airport for a term not to exceed 25 years in return for any compensation agreed to by the Airport Authority, and subject to any surety that may be required by the Airport Authority.

(g) To lease to one or more second parties for a term not to exceed 25 years any or all real or personal property held by the Airport Authority to assure the maintenance, operation, or construction of the airport or any part of the airport.

(h) To employ any agents, engineers, or attorneys necessary to carry out the provisions of this act.

(i) To accept and to use for any authorized purpose any gifts, grants, bequests, or donations from individuals, business, or from the federal, State, municipal, or county governments, or from any of their agencies.

Sec. 5. The Airport Authority shall make annual reports to the elected governing bodies of the Town of Sparta and the County of Alleghany setting forth, in detail, all operations and transactions conducted by the Airport Authority. The Airport Authority shall have no power to pledge the credit of the Town or the County, nor shall the Town or the County be liable in tort for any act or omission of the Airport Authority.

Sec. 6. The Airport Authority shall meet at the times and in the places designated by the chairman, provided that the Airport Authority shall meet at least once every six months. All decisions of the Airport Authority shall require majority approval of those members present and voting. Provided that funds are available, the Airport Authority may pay the actual expenses incurred by its members when the members are conducting the business of the Airport Authority.

Sec. 7. It is the specific intent of this act to allow but not to compel the creation of the Airport Authority, and none of the powers granted by any section of this act shall become effective until the initial appointments are made to the Airport Authority in accordance with Section 2 of this act.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1985.

H.B. 682 **CHAPTER 501**

AN ACT TO PROVIDE FOR THE INCORPORATION OF THE TOWN OF YANCEYVILLE AND THE SIMULTANEOUS DISSOLUTION OF THE YANCEYVILLE SANITARY DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. In accordance with G.S. 130A-81(1a), the Town of Yanceyville is incorporated and the Yanceyville Sanitary District is simultaneously dissolved. Such incorporation and dissolution are not subject to referendum.

Sec. 2. A Charter for the Town of Yanceyville is enacted to read:

"CHARTER OF THE TOWN OF YANCEYVILLE.

"Chapter I.

"Incorporation and Corporate Powers.

"Section 1.1. *Incorporation and corporate powers.* The inhabitants of the Town of Yanceyville are a body corporate and politic under the name 'Town of Yanceyville'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed upon cities by the general law of North Carolina.

"Chapter II.

"Corporate Boundaries.

"Sec. 2.1. *Town Boundaries.* Until modified in accordance with law, the boundaries of the Town of Yanceyville are as follows:

BEGINNING at an iron stake in the northern right of way line of N.C. HWY 86 (100 FT. R/W) and being the southeast corner of Roxboro Lumber Company, Inc. (Ace Hardware); thence crossing N.C. HWY 86 S 5° 30'W - 100.00 FT. to a point in the southern right of way line of N.C. HWY 86; thence S 5° 30'W - 400.00 FT. to a point; thence along a line parallel with and 450.00 FT. from the centerline of N.C. HWY 86 and U.S. HWY 158 in a westerly direction 2,220.00 FT. to a point in the western line of the lot recorded in Plat Book 4 at Page 191, said point being 450.00 FT. from and perpendicular with the centerline of U.S. HWY 158; thence along the said line S 25° 00'E - 110.96 Ft. to a corner with the B.S. Graves Estate; thence along the rear of said lot recorded in Plat Book 4 at Page 191 S 76° 29' 20"W - 911.07 FT. to a corner in the line of the Caswell Board of Education; thence with the line between the Caswell Board of Education and the B. S. Graves Estate S 7° 16' 47"W - 1,790.00 FT. to the corner with Bradner; thence with the line of Bradner N 86° 48'W - 1,970.00 FT. to a corner with the Caswell County Board of Education; thence with the Caswell County Board of Education S 66° 50'W - 158.00 FT.; thence S 56° 17'W - 220.00 FT.; thence N 28° 13'W - 35.00 FT.; thence S 04° 30'W - 110.00 FT.; thence S 55° 00'W - 70.00 FT.; thence S 49° 30'W - 75.00 Ft.; thence S 14° 00'W - 80.00 FT.; thence S 74° 00'W - 210.00 FT.; thence N 15° 00'W - 510.00 FT. to an iron stake in the south right of way line of South Second Street; thence crossing South Second Street N 38° 55' 30"E - 33.25 FT. to an iron stake in the north right of way line of South Second Street, corner with T. S. Lee Estate recorded in Plat Book 10 at Page 91; thence with said estate the following courses and distances: N44° 07' 30"W - 74.75 FT., S 87° 52' 30"W - 233.00 FT.; N 05° 22' 30"E - 217.25 FT., N 12° 17' 30"W - 136.71 FT., N 43° 55' 30"W - 37.01 FT. to an iron stake in the T. O. Jones Heirs Recorded in Plat Book 10 at Page 55; thence with the line of said Jones Heirs the following courses and distances; N 20° 37' 30"W - 231.00 FT., N 24° 46' 30"W - 198.00 FT., N 11° 40' 30"E - 239.13 FT. to a corner with Caswell County recorded in Plat Book 6 at Page 37; thence N 76° 39' 30"W - 830.00 FT. to an iron stake in the J. H. Kerr Estate; thence with the Estate the following courses and distances: S 06° 08' 30"W - 286.50 FT., S 08° 15' 30"W - 835.00 FT., S 04° 59' 32"W - 1137.23 FT., S 03° 23' 28"W - 109.85 FT. to a corner with said Estate and the Yanceyville

Sanitary District as recorded in Plat Book 4 at Page 45; thence with said Sanitary District S 04° 54′W - 2,241.21 FT. to a point in the center of Country Line Creek; thence along the center of Country Line Creek as it meanders in a westerly direction 3,250.00 FT to junction with Fullers Creek; thence along the center of Fullers Creek as it meanders in a northerly direction 2,470.00 FT. to the center line of Old N.C. HWY 62; thence crossing said road and running with the western boundary of the Yanceyville Lake Property in a northerly direction a distance of approximately 1,900 FT. to an iron stake, corner with Roy Atwater; thence with the line of Roy Atwater the following courses and distances: N 55° 55′W - 533.63 FT., N 6° 24′E - 1409.55 FT. to a corner with Underwood, N 5° 01′E - 772.29 FT., N 4° 53° E - 609.94 FT., N 84° 22′ 30″W - 1400.27 FT., N 4° 04′E - 1269.05 FT. to the corner with George F. Marshall; thence with the line between George F. Marshall and Underwood N 9° 31′E - 418.36 FT. to the corner with Allen Gwyn Property; thence with the line between George F. Marshall and the Allen Gwyn Property N 5° 18′E - 618.59 FT.; thence S 84° 31′E - 462.29 FT. to the corner with Frank Smith; thence with the line between Frank Smith and the Allen Gwyn Property N 4° 35′E - 1870.00 FT. to a point in the line of Smith; thence across lot No. 3 of the Allen Gwyn Property and along the rear of lot Nos. 2 and 3D of the Allen Gwyn Property as recorded in Plat Book 6, Page 173 S 83° 41′ 38″W - 2770.00 FT. to a point in the eastern right-of-way line of Hatchett Road; thence with the eastern right-of-way line of Hatchett Road in a northerly direction 830 FT. to the center of U.S. HWY 158; thence 300 FT. north of and perperdicular to the center line of U.S. HWY 158 to a point; thence along a line being the rear of lot Nos. 1C, 1B, and 1D of the Allen Gwyn Property N 83° 55′ 15″E - 2,130 ft. to a point in the western boundary of the J. C. Womack and K. C. Arey Subdivision recorded in Plat Book No. 1 at Page 181; thence with the line between the Allen Gwyn Property and the J. C. Womack and K. C. Arey Subdivison N 4° 55′ 27″E - 783.54 FT. to the corner with the Allen Gwyn Property and lot No. 4 of the W. P. Alridge Heirs subdivision recorded in Plat Book 6 at Page 43; thence across said lot No. 4 530 FT. to a point in the line between lot Nos. 3 and 4, said point being 430 FT. perpendicular from the center line of S.R. 1500 (Old N.C. 86); thence along a line parallel with and 430 FT. from the centerline of S.R. 1500 3770.00 FT. to a point 475 FT. from the centerline of N.C. HWY 86; thence N 14° 14′W - 620.00 FT.; thence S 83° 31′E -427.65 FT. to the western right-of-way line of N.C. HWY 86; thence in a line crossing N.C. HWY 86 N 38° 13′E -992.00 FT. to the northwest corner of Public Service Co. of N.C. lot on S.R. 1500; thence along the northern line of Public Service Co. of N.C. S 51° 47′E -360.00 FT. to the eastern right-of-way line of S.R. 1500; thence along the line between lots 14-A and 14-H of the C. E. Kimbro subdivision recorded in Plat Book 5 at Page 307 S 52° 57′E -303.60 FT. to the rear corner of lot 14-H; thence S. 36° 01′W -663.60 FT.; thence S 23° 53′W -406.64 FT. to the rear corner between lot Nos. 15-C and 15-D of the C. E. Kimbro subdivision; thence along the rear of lot Nos 15-C and 15-B of the C. E. Kimbro subdivision N 14° 14′W - 214.94 FT., thence along the line between lots 15-A and 16-A of the C. E. Kimbro subdivision S 65° 32′E -128.14 FT.

to a point 475 FT. from the centerline and perperdicular to the centerline with N.C. HWY 86; thence across lot 16-A of the C. E. Kimbro subdivision 475 FT. from the centerline of N.C. HWY 86 S 14° 14′E - 885.00 FT. to a point in the line between lots 16-A and 17-A of the C. E. Kimbro subdivison; thence along the line between 16-A and 17-A of the C. E. Kimbro subdivision S 69° 42′E - 612.11 FT. to the center of Rattlesnake Creek; thence along Rattlesnake Creek as it meanders in a southerly direction 685 FT. to the southeastern corner of lot 18-A of the C. E. Kimbro subdivision; thence along the lot No. 18-A N 85° 17′W - 285.00 FT., thence S 7° 40′W - 160.00 FT. to a point 475 FT. from the centerline and perpendicular to the centerline of N.C. HWY 86; thence along a line 475 FT. from the center line of N.C. HWY 86 in a southerly direction 1,990.00 FT. to a point in the line of Caswell Motor Company, Inc.; thence along the line of Caswell Motor Co., Inc. N 54° 45′E - 157.37 FT. and S 73° 35′E - 361.29 FT. to the rear corner of Caswell Motor Co., Inc.; thence along the line between W. L. Daniel and Tract 2A of the W. L. Hooper Estate as recorded in Plat Book 10 at Page 208 N 38° 17′E - 863.60 FT. to a point; thence S 33° 41′ 43″E - 87.04 FT. to the center line of S.R. 1576; thence along the line between Chandler and Tract 2B of the W. L. Hooper Estate S 33° 41′43″E - 186.50 FT; thence S 47° 41′ 43″E - 270.60 FT.; thence S 37° 12′ 22″E - 691.71 FT. to the corner with the Caswell County Board of Education; thence with the line of the Caswell County Board of Education S 50° 40′ 41″E - 168.07 FT. thence N 59° 19′E - 700.00 FT. to the corner with the Caswell County Farm; thence S 0° 19′E - 600.00 ft. to the northern right of way line of S.R. 1572; thence along the northern right of way line of S.R. 1572 in an easterly direction 2,450.00 FT. to a point in the line of the Caswell County Farm, said point being approximately 625 FT. from the center line of S.R. 1589; thence along the Caswell County Farm line S 31° 26′E - 1,000.00 FT; thence S 54° 56′E - 945.00 FT. to the north corner of lot 124 of the T.E. Steed subdivision as recorded in Plat Book 1 at Page 210; thence along the rear of lot Nos. 124, 125, and 126 of the T.E. Steed subdivision S 42° 06′E - 5,144.00 FT. to an iron stake, corner with lot 126 of said subdivision and lot No. 1 of the Norman S. Upchurch Subdivision recorded in Plat Book 1 at Page 179; thence with the rear line of lot Nos. 1 and 2 of the Norman S. Upchurch Subdivision N 53° 04′E - 150.00FT.; thence N 42° 06′W - 125.00FT.; thence N 53° 13′E - 166.00FT.; thence S 56° 06′E - 133.25 FT. to the corner with lot No. 4 of the Norman S. Upchurch Subdivision; thence S 42° 06′E - 240.00 FT. to an iron stake in the line of lot No. 4 and corner with lot No. 5 of the Norman S. Upchurch subdivision, thence along the rear of lot Nos. 5, 6, 7, and 8 of the Norman S. Upchurch subdivision N 52° 15′E - 220.00 FT.; thence N 42° 06′W - 15.00 FT.; thence N 52° 15′E - 75.00 FT.; thence S 42° 06′E - 175.00 FT. to a point in the northern right of way line of N.C. HWY 62; thence along the northern right of way line of N.C. HWY 62 in an easterly direction S 52° 15′W - 195.00 FT.; thence crossing N.C. HWY 62 S 36° 15′E - 570.00 FT.; thence S 43° 45′W - 500.00 FT. to the northeast corner of Roxboro Lumber Co., Inc.; thence with the western boundary of Roxboro Lumber Co., Inc. S 5° 30′W - 350.00 FT. to the POINT OF BEGINNING, containing 2,579.00 acres, the same being 4.03 square miles.

"Chapter III.
"Governing Body.

"Sec. 3.1. *Structure of governing body; number of members.* The governing body of the Town of Yanceyville is the Town Council, which has five members.

"Sec. 3.2. *Manner of electing board.* The qualified voters of the entire Town nominate and elect the members of the Council.

"Sec. 3.3. *Term of office of Council members.* Until members are elected in accordance with this section, the Town Council shall consist of the three members of the Yanceyville Sanitary District Board, and two other persons appointed by those three members at the Town Council's first meeting in July, 1986. The two persons on the Yanceyville Sanitary District Board whose terms expire in 1986 shall serve until the 1987 municipal election. The person on the Yanceyville Sanitary District Board whose term expires in 1988 shall serve until the 1989 municipal election. One of the two persons appointed to the Town Council by the three members of the Yanceyville Sanitary District Board shall serve until the 1987 municipal election, and the other shall serve until the 1989 municipal election. The three members of the Yanceyville Sanitary District Board shall designate whom shall serve which term. In the 1987 municipal election and quadrennially thereafter, the three persons receiving the highest numbers of votes shall be elected for four-year terms on the Town Council. In the 1989 municipal election and quadrennially thereafter, the two persons receiving the highest numbers of votes shall be elected for four-year terms on the Town Council.

"Sec. 3.4. *Selection of Mayor; term of office.* The Mayor shall be appointed by the Town Council from among its own membership for a two-year term. The Mayor shall have the right to vote on all questions that come before the Council, but shall have no right to break a tie vote in which he participated.

"Sec. 3.5. *Filling of vacancies.* Vacancies occurring for any reason in the Town Council shall be filled by the remaining members of the Council for the remainder of the unexpired term.

"Chapter IV.
"Elections.

"Sec. 4.1. *Conduct of Town elections.* The Town Council shall be elected on a nonpartisan basis and the results determined by the plurality method as provided by G.S. 163-292.

"Chapter V.
"Administration.

"Sec. 5.1. *Mayor-Council plan.* The Town of Yanceyville operates under the mayor-council plan as provided by Part 3 of Article 7 of Chapter 160A of the General Statues."

Sec. 3. The incorporation of the Town of Yanceyville and the simultaneous dissolution of the Yanceyville Sanitary District shall become effective at 12:00 noon on July 1, 1986. The Yanceyville Sanitary District shall take all actions necessary to effect this transfer of the assets and

liabilities of the Sanitary District to the Town of Yanceyville by June 28, 1986.

Sec. 4. From and after January 1, 1986, the citizens and property in the Town of Yanceyville shall be subject to municipal taxes levied for the year beginning January 1, 1986, and the town shall obtain from Caswell County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1986, and the businesses in the town shall be liable for privilege license tax from the effective date of the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal year 1986-87 without following the timetable in the Local Government Budget and Fiscal Control Act.

Sec. 5. The transitional provisions of G.S. 130A-81(5) a. through g. shall apply to the Town of Yanceyville and the Yanceyville Sanitary District.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1985.

H.B. 1383 **CHAPTER 502**

AN ACT TO ALLOW LEE COUNTY TO CREATE RURAL FIRE PROTECTION DISTRICTS CONTIGUOUS WITH THE BOUNDARIES OF EXISTING COUNTY FIRE SERVICE DISTRICTS, AND TO ANNEX TERRITORY TO RURAL FIRE PROTECTION DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. Article 3A of Chapter 69 of the General Statutes is amended by adding a new section to read:

"§ 69-25.3A. *Additional means of creation.*—(a) In addition to the methods specified in G.S. 69-25.1 through G.S. 69-25.3, the board of commissioners of a county may create a fire protection district under this Article by passage of a resolution if that proposed district is coterminous with a county service district established for fire protection under Article 16 of Chapter 153A of the General Statutes.

(b) Before the public hearing required by subsection (c), the board shall cause to be prepared a report containing a map of the district. The report shall be available for public inspection in the office of the clerk to the board for at least two weeks before the date of the public hearing.

(c) Hearing and notice. The board shall hold a public hearing before adopting any resolution creating a fire protection district under this section. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) of this section is available for inspection in the office of the clerk to the board. The notice shall be published at least once not less than two weeks before the hearing. In addition, the notice shall be posted at least two weeks before the date of the hearing in three places within the service district.

(d) In the event that a fire protection district is created under this section, a tax may be levied to take effect at the beginning of the next succeeding fiscal year after such action is taken, provided that if such

action is taken prior to August 15, 1985, the county board of commissioners may provide that it shall become effective beginning with the 1985-86 fiscal year.

(e) If any district is created under this section, taxes may be levied as provided by the second paragraph of G.S. 69-25.4."

Sec. 2. Article 3A of Chapter 69 of the General Statutes is amended by adding a new section to read:

"§ 69-25.11A. *Additional procedures for annexing area to district.*—(a) In addition to the procedures under G.S. 69-25.11, changes in the area of a fire protection district may be made as follows:

(1) The area of any fire protection district may be increased by including within the boundaries of the district any adjoining territory which is not within the corporate limits of an incorporated municipality. A proceeding to increase the area of a district may commence at the same time as a proceeding to create that district under G.S. 69-25.3A.

(2) Before the public hearing required by subdivision (3), the county board of commissioners shall cause to be prepared a report containing a map of the district and the adjacent territory proposed to be annexed, showing the present and proposed boundaries of the district. The report shall be available for public inspection in the office of the clerk to the board for at least two weeks before the date of the public hearing.

(3) Hearing and notice. The board shall hold a public hearing before adopting any resolution extending the boundaries of a fire protection district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subdivision (2) of this section is available for inspection in the office of the clerk to the board. The notice shall be published at least once not less than two weeks before the hearing. In addition, the notice shall be mailed at least two weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the area to be annexed. The person designated by the board to mail the notice shall certify to the board that the mailing has been completed, and the certificate shall be conclusive in the absence of fraud.

(b) In the event the area of any fire protection district is increased under this section, the increase shall take effect at the beginning of the next succeeding fiscal year after such action is taken, provided that if such action is taken prior to August 15, 1985, the county board of commissioners may provide that it shall become effective beginning with the 1985-86 fiscal year."

Sec. 3. This act applies to Lee County only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1985.

H.B. 1409 **CHAPTER 503**

AN ACT TO PROVIDE FOR THE TEMPORARY EXTENSION OF THE OFFICE OF APPELLATE DEFENDER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-476 is amended by deleting "June 30, 1985", and substituting "July 15, 1985".

Sec. 2. G.S. 7A-483 is amended by deleting "June 30, 1985", and substituting "July 15, 1985".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1985.

S.B. 844 **CHAPTER 504**

AN ACT TO EXTEND THE EXPIRATION DATE OF THE ADMINISTRATIVE PROCEDURE ACT AND RULES ADOPTED UNDER THAT ACT.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of Section 52 of Chapter 923, Session Laws of 1983, is amended by deleting "July 1, 1985", and substituting "July 11, 1985".

Sec. 2. Section 1 of Chapter 883, Session Laws of 1983 is amended by deleting "July 1, 1985", and substituting "July 11, 1985".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1985.

S.B. 126 **CHAPTER 505**

AN ACT TO EMPOWER NONPROFIT CORPORATIONS TO ENTER INTO ARRANGEMENTS WITH OTHERS FOR SHARING OF BENEFITS OR UNION OF INTERESTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 55A-15(b) is amended by adding a new subdivision to the end to read:

"(7a) To enter into any arrangement with others for the sharing of benefits or union of interests with respect to any transaction, operation or venture which the corporation has power to conduct by itself, even if such arrangement involves sharing or delegation of control of such transaction, operation or venture with or to others."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 206 **CHAPTER 506**

AN ACT AUTHORIZING THE COLLECTION OF SPOUSAL SUPPORT IN CERTAIN INSTANCES IN CASES BROUGHT OR ENFORCED UNDER ARTICLE 9 OF CHAPTER 110 OF THE GENERAL STATUTES, AS REQUIRED BY PART D OF TITLE IV OF THE SOCIAL SECURITY ACT.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-130.2. *Collection of spousal support.*—Spousal support shall be collected for a spouse or former spouse with whom the absent parent's child is living when a child support order is being enforced under this Article. However, the spousal support shall be collected: (i) only if there is an order establishing the support obligation with respect to such spouse; and (ii) only if an order establishing the support obligation with respect to the child is being enforced under this Article. The Child Support Enforcement Program is not authorized to assist in the establishment of a spousal support obligation."

Sec. 2. G.S. 110-128 is amended by inserting immediately after the phrase "financial support of the dependent children;" the following: "to enforce spousal support when a child support order is being enforced;".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 287 **CHAPTER 507**

AN ACT TO PROHIBIT THE WILLFUL NONPAYMENT OF GROUP HEALTH AND LIFE INSURANCE PREMIUMS BY FIDUCIARIES UNLESS WRITTEN NOTICE IS PROVIDED TO THE PERSONS INSURED.

The General Assembly of North Carolina enacts:

Section 1. Article 27 of General Statutes Chapter 58 is amended by adding the following sections:

"§ 58-260.3. *Willful failure to pay group insurance premiums; notice to persons insured; penalty; restitution; examination of insurance transactions.*—(a) As used in this section and in G.S. 58-260.4, the term 'group health insurance' means: (1) Any policy described in G.S. 58-254.3, 58-254.4, or 58-254.6; (2) any group insurance certificate or group subscriber contract issued by a hospital service corporation pursuant to General Statutes Chapter 57; or (3) any health care plan provided or arranged by a health maintenance organization pursuant to General Statutes Chapter 57B. As used in this section and in G.S. 58-260.4, the term 'insurance fiduciary' means any person, employer, principal, agent, trustee, or third party administrator, who is responsible for the payment of group health or group life insurance premiums.

(b) No insurance fiduciary shall:

(1) Cause the cancellation or nonrenewal of group health or group life insurance and the consequential loss of the coverages of the persons insured by willfully failing to pay such premiums in accordance with the terms of a group health or group life insurance contract; and

(2) Willfully fail to deliver, at least 30 days prior to the termination of such insurance, to each named insured a written notice of the insurance fiduciary's intention to stop payment of premiums.

(c) Any insurance fiduciary who violates subsection (b) of this section shall be guilty of a Class J felony if the group health or life insurance was, in whole or in part, paid for out of wages withheld or other funds collected from the persons insured.

(d) Any insurance fiduciary who violates subsection (b) of this section shall be subject only to the court order for restitution provided for in subsection (e) of this section if the group health or life insurance covered 15 or more persons and was fully paid for by the insurance fiduciary.

(e) Upon conviction under subsection (c) or a finding under subsection (d) of this section of a violation of subsection (b) of this section the court shall order the insurance fiduciary to make full restitution to persons insured who incurred expenses that would have been covered by the group health insurance or full restitution to beneficiaries of the group life insurance for death benefits that would have been paid if the coverage had not been terminated.

(f) Insurance fiduciaries subject to this section shall be subject to the provisions of G.S. 58-27 with respect only to transactions involving group health or life insurance.

(g) In the notice required by subsection (b) of this section, the insurance fiduciary shall also notify the persons insured of their rights to health insurance conversion policies under Article 26C of General Statutes Chapter 58.

"§ 58-260.4. *Group health or life insurers to notify insurance fiduciaries of obligations.*—(a) On and after January 1, 1986, upon the issuance or renewal of any policy, contract, certificate, or evidence of coverage of group health or life insurance, the insurer, corporation, or health maintenance organization shall give written notice to the insurance fiduciary of the provisions of G.S. 58-260.3.

(b) The notice required by subsection (a) of this section shall be printed in 10 point type and shall read as follows:

'UNDER NORTH CAROLINA GENERAL STATUTE SECTION 58-260.3, NO PERSON, EMPLOYER, PRINCIPAL, AGENT, TRUSTEE, OR THIRD PARTY ADMINISTRATOR, WHO IS RESPONSIBLE FOR THE PAYMENT OF GROUP HEALTH OR LIFE INSURANCE OR HEALTH CARE PLAN PREMIUMS, FOR WHICH PAYMENT WAGES OR OTHER FUNDS ARE WITHHELD FROM THE PERSONS INSURED, SHALL: (1) CAUSE THE CANCELLATION OR NONRENEWAL OF GROUP HEALTH OR LIFE INSURANCE, HOSPITAL, MEDICAL, OR DENTAL SERVICE PLAN, OR HEALTH CARE PLAN COVERAGES AND THE CONSEQUENTIAL LOSS OF THE COVERAGES OF THE PERSONS INSURED, BY WILLFULLY FAILING TO PAY SUCH PREMIUMS IN ACCORDANCE WITH THE TERMS OF THE INSURANCE OR PLAN

CONTRACT, AND (2) WILLFULLY FAIL TO DELIVER, AT LEAST 30 DAYS PRIOR TO THE TERMINATION OF SUCH COVERAGES, TO EACH NAMED INSURED A WRITTEN NOTICE OF THE PERSON'S INTENTION TO STOP PAYMENT OF PREMIUMS. THIS WRITTEN NOTICE MUST ALSO CONTAIN A NOTICE TO THE NAMED INSUREDS OF THEIR RIGHTS TO HEALTH INSURANCE CONVERSION POLICIES UNDER ARTICLE 26C OF GENERAL STATUTES CHAPTER 58. VIOLATION OF THIS LAW IS A FELONY IF THE INSURANCE IS, IN WHOLE OR IN PART, PAID FOR OUT OF WAGES WITHHELD OR OTHER FUNDS COLLECTED FROM THE PERSONS INSURED. ANY PERSON VIOLATING THIS LAW IS ALSO SUBJECT TO A COURT ORDER REQUIRING THE PERSON TO COMPENSATE PERSONS INSURED FOR EXPENSES OR LOSSES INCURRED AS A RESULT OF THE TERMINATION OF THE INSURANCE.'"

Sec. 2. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 347 **CHAPTER 508**

AN ACT TO AMEND THE LAW REGARDING PAYMENT OF COSTS IN DEPARTMENT OF HUMAN RESOURCES INSTITUTIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 7 of Chapter 143 of the General Statutes is amended by rewriting the title of the Article to read:

"Persons Admitted to Department of Human Resources Institutions to Pay Costs."

Sec. 2. G.S. 143-117 is rewritten to read:

"§ 143-117. *Institutions included.*—All persons admitted to the following institutions operated by the Department of Human Resources are required to pay the actual cost of their care, treatment, training and maintenance at these institutions: Lenox Baker Children's Hospital, regional psychiatric hospitals, special care centers, regional mental retardation centers, schools for emotionally disturbed children, and alcoholic rehabilitation centers."

Sec. 3. Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-117.1. *Definitions.*—As used in this Article, the following terms have the meaning specified unless the content clearly implies otherwise:

(1) 'Persons admitted' means clients of Lenox Baker Children's Hospital, regional psychiatric hospitals, State special care centers, regional mental retardation centers, schools for emotionally disturbed children, and alcoholic rehabilitation centers, including clients who may be treated on an outpatient basis.

(2) 'Care' means care, treatment, training, maintenance, habilitation and rehabilitation of a person admitted to institutions covered by this Article.

(3) 'Department' means the Department of Human Resources.

(4) 'Secretary' means the Secretary of Human Resources."

Sec. 4. G.S. 143-118(a) is rewritten to read:

"(a) The Secretary shall determine and fix the actual cost of care to be paid by and for each person admitted to an institution. The Secretary is given full and final authority to fix a general rate of charge based on said actual cost of providing care, to be paid by persons admitted able to pay the rate or charge, or, in cases where indigent persons admitted are later found to be nonindigent, then cost for their care shall be paid in one or more payments based on the rate of charge in effect for the period or periods of time during which the persons admitted were receiving care in the institutions."

Sec. 5. G.S. 143-118(b) and (c) are repealed.

Sec. 6. G.S. 143-118 is further amended by adding two new subsections to read:

"(d) The Secretary shall ascertain which of the persons admitted or persons legally responsible for them are financially able to pay the cost fixed.

(e) The Secretary is empowered to enter into contracts of compromise of accounts owing to the institution for past, present or future care at the institutions, including but not limited to the authority to enter into a contract to charge nothing, which contract shall be binding on the respective institution under the terms and for the period specified in the contract. The rates set by the compromise shall be determined in the discretion of the Secretary by the ability to pay of the person admitted or the person legally responsible for his support. This subsection shall not be construed as mandatory and if a contract is not entered into or terminates or if the obligor defaults in the payment of a compromise account or any installment, then the full actual cost of care shall be assessed against the person admitted."

Sec. 7. G.S. 143-119 is rewritten to read:

"§ 143-119. *Payments.*—(a) The cost of care when fixed by the Secretary shall be paid by the person admitted or by the person legally responsible for payment. The payment of the cost of care constitutes a valid expenditure of funds held by a fiduciary of a person admitted, including Clerks of Court, and a receipt for payment of such costs shall be a valid voucher in the fiduciary's settlement of his accounts of his trust.

(b) Immediately upon the determination of the cost, the person admitted or the person legally responsible for paying the cost shall be notified of the amount due and a statement shall be rendered on a monthly basis.

(c) If the person admitted or the person legally responsible for paying the cost is not able to pay the total cost due on a monthly basis, the Secretary may arrange for the payment of a portion of the cost monthly and extend the payments until the costs are paid or may arrange for any other method of payment.

(d) The institutions shall maintain a list of all unpaid accounts for audit by the State auditors.

(e) The Secretary may discharge from the institution persons admitted who have been found able to pay but who refuse to pay costs fixed against

them, unless the person was committed by an order of a court of competent jurisdiction."

Sec. 8. G.S. 143-120 is repealed.

Sec. 9. G.S. 143-121 is rewritten to read:

"§ 143-121. *Action to recover costs.*—(a) Immediately upon the fixing of the amount of actual cost, a cause of action shall accrue for the costs in favor of the State for the use of the institution in which the person admitted received care against the person admitted or person legally responsible for paying the costs.

(b) The State for the use of the institution may sue upon the cause of action in the courts of Wake County, in the courts of the county in which the institution is located, or in the courts of the county where the defendant resides.

(c) In any action to recover the cost of care, a verified and itemized statement of the account signed by the reimbursement director of the institution showing the period of time during which the person admitted was receiving care in the institution, the daily or monthly rate of charge fixed by the Secretary, the total amount due on the account, and the proper credits for any payments which may have been made on the account, shall be filed with the complaint and shall constitute a prima facie case. The State shall be entitled to a judgment in the case in the absence of allegation and proof on the part of the person admitted or person legally responsible for paying the costs that the verified and itemized statement is not correct because of:

(1) An error in the calculation of the amount due predicated upon the rate of charge fixed by the Secretary;

(2) An error as to the period of time during which the person admitted received care in the institution; or

(3) An error in not properly crediting the account with any payment which may have been made.

(d) The provisions of this Article directing the Secretary to determine which of the persons admitted are nonindigent and able to pay for their care, notify the person admitted or person legally responsible for the cost of his care of the amount due, to render a statement of the amount due monthly, to discharge persons admitted found able to pay but who refuse to pay and all of the other provisions relating to the manner in which the Secretary shall assess and collect costs are directory and not mandatory. The failure of the Secretary to perform any of these provisions shall not affect the right of the State to recover in any action brought for the cost of care against the person admitted, a person legally responsible for the cost of his care, or his estate if he has died."

Sec. 10. Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-121.1. *Ratification of past acts.*—The past acts of the Secretary, boards of directors of the institutions and the North Carolina Hospital Board of Control in fixing the rate to be paid by persons admitted are hereby in every respect ratified and validated, and on all claims and causes of action now pending or which hereafter may be made or begun for the payment of the past indebtedness for care, the rates fixed by the party authorized to fix rates at the time the care was provided shall prevail and

collections shall be made in accordance with those rates unless the Secretary enters into a contract compromising the account."

Sec. 11. G.S. 143-122, 143-123, 143-124, 143-125, 143-126, and 143-126.1 are rewritten to read:

"§ 143-122. *No limitation of action.*—No statute of limitation shall apply to or constitute a defense to any cause of action asserted by the State under this Article and all statutes containing limitations which might apply to these actions are hereby repealed as to all such causes of action for costs previously incurred and now remaining unpaid.

"§ 143-123. *Power to admit indigent persons.*—(a) This Article shall not be construed to limit the authority of the institutions to provide care to all indigent persons who are otherwise entitled to admission in any of the institutions.

(b) If at any time any person admitted and determined to be indigent shall succeed to or inherit, or acquire, in any manner, property or otherwise be reputed to be solvent, then the State shall have the full right and authority to collect and sue for the entire cost of care without hinderance of any statute of limitations.

"§ 143-124. *Suit by Attorney General.*—At the request of the institution, all actions and suits shall be prosecuted by the Attorney General. The institution shall have the right to select the venue of the action.

"§ 143-125. *Judgment; never barred.*—Any judgment obtained by the State under this Article shall never be barred by any statute of limitation but shall to the extent unpaid continue in force; and, at the request of the Attorney General or the director of the institution, the clerk shall issue an execution.

"§ 143-126. *Death of a person admitted; lien on estate.*—(a) In the event of the death of person admitted, leaving any cost of care unpaid, then the unpaid cost shall constitute a lien on all property, both real and personal of the decedent and shall be payable from the decedent's estate as a fourth class claim after the payment of taxes to the State or its subdivisions.

(b) Upon the death of person admitted, the Department shall file a verified statement of account containing the following:

(1) The name of the person admitted;
(2) The date of death of the person admitted;
(3) The inclusive dates of the provision of care;
(4) The name of the institution providing care; and
(5) The amount of the unpaid balance.

The statement shall be filed in the office of the clerk of superior court in the county of residence of the deceased person admitted and in the county or counties in which real property is located in which the decedent owns an interest. The statement shall be docketed and indexed by the clerk.

(c) From the time of docketing, the statement shall be and constitute due notice of a lien against all real property then owned in whole or in part by the decedent and lying in such county to the extent of the total amount of the unpaid balance for the decedent's care as evidenced by the verified statement of account. Payments made by a fiduciary including

those made by a clerk of superior court, in full or partial satisfaction of such lien, shall constitute a valid expenditure as provided in G.S. 143-119.

(d) No action to enforce such lien may be brought more than three years from the date of death of the person admitted. The failure to bring such action or the failure of the Department to file such statement shall not be a complete bar against recovery but shall only extinguish the lien and priority established by it.

(e) Upon receipt of the unpaid balance by the institution or Department or upon agreement of compromise of such unpaid balance, the Department shall notify the clerks of superior court in the counties where the lien has been recorded that the unpaid balance has been paid, and the clerks shall cancel the lien of record.

"§ 143-126.1. *Lien on property for unpaid balance due institution.*—(a) There is hereby created a general lien on both the real and personal property of any person admitted who is receiving or who has received care in any of the institutions operated by the Department of Human Resources to the extent of the total amount of the unpaid balance shown on the verified statement of account for charges from and after July 1, 1967.

(b) Such general lien for the unpaid balance for care at the institutions shall apply to the property, both real and personal, of the person admitted whether held by him or his trustee or guardian.

(c) At the time deemed suitable in the discretion of the Department, there may be filed a verified statement of account containing the following:

(1) The name of the person admitted;
(2) The inclusive dates of the provision of care and a statement that care is continuing if applicable;
(3) The name of the institution providing care; and
(4) The amount of the unpaid balance.

The statement may be filed in the office of the clerk of superior court in the county of residence of the person admitted and in each county or counties where real property in which the patient owns an interest is found. The statement shall be docketed and indexed by the clerk.

(d) From the time of docketing, the statement shall be and constitute due notice of a lien against the real property then owned or thereafter acquired by the patient and lying in such county to the extent of the total amount of the unpaid balance for the person admitted's care as evidenced by the verified statement of account for charges from and after July 1, 1967. Payments made by a fiduciary, including those made by a clerk of superior court, in full or partial satisfaction of such lien, shall constitute a valid expenditure as provided in G.S. 143-119.

(e) The lien thus established shall take priority over all other liens subsequently acquired and shall continue from the date of filing until satisfied. No action to enforce such lien may be brought more than three years from the last date of filing of such lien nor more than three years after the death of any person admitted. The failure to bring such action or the failure of the Department to file said statement shall not be a complete bar against recovery but shall only extinguish the lien and priority established by it.

(f) Upon receipt of the full unpaid balance by the institution or Department or upon agreement of compromise of such unpaid balance, the Department shall notify the clerks of superior court in the counties where the lien has been docketed that the unpaid balance has been paid, and the clerks shall cancel the lien of record.

(g) Notwithstanding the foregoing provisions, no such lien shall be enforceable against any funds paid by the State to a person admitted after judgment or settlement of a claim for damages arising out of the negligent injury of such person at any of the institutions during the life of person admitted. Upon the death of the person admitted, any remaining proceeds of a judgment or settlement under this subsection in the hands of the deceased shall become a general asset of the estate and subject to any lien of the State."

Sec. 12. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 396 **CHAPTER 509**

AN ACT MAKING TECHNICAL AND CLARIFYING AMENDMENTS CONCERNING CRIMINAL LAW AND PROCEDURE, AND TO RESTORE THE INCREASED PUNISHMENT FOR FELONY CHILD ABUSE THAT WAS INADVERTENTLY REPEALED BY THE 1983 GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-451(b)(4) is amended by deleting the word "preliminary" and substituting the words "probable cause".

Sec. 2. G.S. 8C-1, Rule 1101(b)(3) is amended by deleting the word "on" between the words "judge" and "probable" and substituting the word "or".

Sec. 3. G.S. 14-92 is amended as follows:

(1) by rewriting that part of the first sentence of that section which precedes the word "shall" to read: "If an officer, agent, or employee of an entity listed below, or a person having or holding money or property in trust for one of the listed entities,";

(2) by deleting the words "or town of the State" in the second sentence of that section and substituting the phrase ", unit or agency of local government, or local board of education"; and

(3) by adding a new sentence at the end of that section to read: "The following entities are protected by this section: a county, a city or other unit or agency of local government, a local board of education, and a penal, charitable, religious, or educational institution."

Sec. 4. G.S. 14-159.1(a) is amended by deleting the reference "G.S. 130-166.41(12)" and substituting the reference "G.S. 130A-313(10)".

Sec. 5. G.S. 14-318.4(a), (a1) and (a2) are each amended by deleting the phrase "Class I" and substituting the phrase "Class H".

Sec. 6. G.S. 20-4.01 is amended as follows:

(1) by rewriting the introductory phrase of that section to read: "Unless the context requires otherwise, the following definitions apply

throughout this Chapter to the defined words and phrases and their cognates:";

(2) by rewriting subdivision (7) to read:

"(7) Driver. The operator of a vehicle, as defined in subdivision (25). The terms 'driver' and 'operator' and their cognates are synonymous.";

(3) by amending subdivision (13) by deleting the words "or Street" from the caption to that subdivision and by rewriting the last sentence of that subdivision to read: "The terms 'highway' and 'street' and their cognates are synonymous.";

(4) by adding the following sentence at the end of subdivision (25) to read: "The terms 'operator' and 'driver' and their cognates are synonymous."; and

(5) by rewriting subdivision (46) to read:

"(46) Street. A highway, as defined in subdivision (13). The terms 'highway' and 'street' and their cognates are synonymous."

Sec. 7. G.S. 113-267 is amended by deleting the reference "G.S. 15A-1343(b)(16b)" and substituting the reference "G.S. 15A-1343(b1)(5)".

Sec. 8. Section 5 of this act shall become effective October 1, 1985, and shall apply to offenses committed on or after that date. The remainder of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 451 **CHAPTER 510**

AN ACT TO CLASSIFY CERTAIN WORKS OF FINE ART AND EXCLUDE THEM FROM INVENTORY TAX.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-275 is amended by adding a new subdivision to read:

"(30) Works of fine art created by an individual artist, other than in the course of employment, and either held by the artist for sale in the regular course of his business as an artist or consigned by him to another person for sale. As used in this subdivision, 'work of fine art' means an original art work that is:

a. A visual rendition, including a painting, drawing, sculpture, mosaic, or photograph;
b. A work of calligraphy;
c. A work of graphic art, including an etching, lithograph, offset print, or silk screen;
d. A craft work in materials, including clay, textile, fiber, wood, metal, plastic, or glass; or
e. A work in mixed media, including a collage or a work consisting of any combination of works included in this subdivision."

Sec. 2. This act shall become effective for taxable years beginning on or after January 1, 1986.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 453 **CHAPTER 511**

AN ACT TO CLARIFY COURT COSTS FOR FORECLOSURE UNDER A POWER OF SALE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-306 is amended by adding at the end a new subsection to read:

"(d) This section does not apply to a foreclosure under power of sale in a deed of trust or mortgage."

Sec. 2. G.S. 7A-308(a)(1) is amended by adding after the word "Plus" the phrase ", if the property is sold pursuant to the power of sale,".

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 479 **CHAPTER 512**

AN ACT TO AMEND AND CLARIFY CERTAIN REQUIREMENTS FOR THE PURCHASE OF CREDITABLE SERVICE FOR TEMPORARY EMPLOYMENT BY MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-4(s)(1) is amended by deleting the phrase: "Member became a contributing member or resumed contributing membership immediately subsequent to termination of temporary employment, with the same employer" and substituting the phrase: "Member was employed by an employer as defined in G.S. 135-1(11)".

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 512 **CHAPTER 513**

AN ACT TO ALLOW A PERSONAL INCOME TAX EXEMPTION FOR MULTIPLE SCLEROSIS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-149(a) is amended by adding a new subdivision to read:

"(8f) In the case of an individual who has multiple sclerosis or whose dependent has multiple sclerosis, an additional exemption of one thousand one hundred dollars ($1,100) for that individual or dependent. This exemption is in addition to all other exemptions allowed by this subsection. To claim this exemption, a taxpayer must attach to his tax return on which he claims the exemption a statement from a physician or county health department certifying that the individual or dependent for whom the exemption is claimed has multiple sclerosis."

Sec. 2. This act is effective for taxable years beginning on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 515 **CHAPTER 514**

AN ACT TO PROVIDE ASSISTANCE DOGS FOR THE HANDICAPPED.

The General Assembly of North Carolina enacts:

Section 1. Chapter 168 of the General Statutes is amended by repealing G.S. 168-4, 168-4.1, 168-7, and 168-7.1, and by adding the following new sections to read:

"§ 168-4.2. *May be accompanied by assistance dog.*—Every mobility impaired person, as defined in this section, visually impaired person, as broadly defined to include visual disability, or hearing impaired person, as defined in G.S. 8B-1(2), has the right to be accompanied by an assistance dog especially trained for the purpose of providing assistance to a person with the same impairing condition as the person wishing to be accompanied, in any of the places listed in G.S. 168-3, and has the right to keep the assistance dog on any premises the person leases, rents, or uses. The person qualifies for these rights upon the showing of a tag, issued by the Division of Vocational Rehabilitation, Department of Human Resources, pursuant to G.S. 168-4.3, stamped 'NORTH CAROLINA ASSISTANCE DOG PERMANENT REGISTRATION' and stamped with a registration number, or upon a showing that the dog is being trained as an assistance dog. An assistance dog accompanying a person in any of the places listed in G.S. 168-3 shall be in a blaze orange harness, on a blaze orange leash, and may not occupy a seat in any of these places.

Any visually impaired person with a guide dog or any hearing impaired person with a hearing ear dog who was accompanied by a dog pursuant to G.S. 168-4, 168-4.1, 168-7, and 168-7.1, as they existed prior to October 1, 1985, continues to have the right to be accompanied by that animal as long as the person continues to meet the appropriate conditions prescribed in those provisions. If the person wishes to be accompanied by another dog, the provisions of G.S. 168-4.2 through G.S. 168-4.5 apply.

A mobility impaired person is a person with a physiological deficiency, regardless of its cause, nature, or extent, that renders the individual unable to move about without the aid of crutches, a wheelchair, or other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any other related function.

"§ 168-4.3. *Training and registration of assistance dog.*—The Division of Vocational Rehabilitation, Department of Human Resources, shall issue registrations to a visually impaired person, a hearing impaired person, or a mobility impaired person who makes an application for registration of a dog that serves as an assistance dog. When applying, the person shall present certification that the dog has been trained as an assistance dog for a person with the applicant's particular impairing condition by the appropriate agency. The Division shall issue the person a permanent tag for the dog that does not need to be renewed while that particular dog

serves the person as an assistance dog. The tag shall be stamped with a registration number and with the words 'NORTH CAROLINA ASSISTANCE DOG PERMANENT REGISTRATION'. No fee may be charged the person for the application, registration, tag, or duplicate tag issued in the event the original is lost.

"§ 168-4.4. *Responsibility for assistance dog.*—The visually impaired person, hearing impaired person, or mobility impaired person who is accompanied by an assistance dog may not be required to pay any extra compensation for the dog. The person has all the responsibilities and liabilities placed on any person by any applicable law when that person owns or uses any dog, including liability for any damage done by the dog.

"§ 168-4.5. *Penalty.*—It is unlawful to use or be in possession of a dog wearing a blaze orange harness, on a blaze orange leash, with the intent to disguise the dog as an assistance dog, or to deprive a visually impaired person, a hearing impaired person, or a mobility impaired person of any rights granted the person pursuant to G.S. 168-4.2 through G.S. 168-4.4, or of any rights or privileges granted the general public with respect to being accompanied by dogs, or to charge any fee for the use of the assistance dog. Violation of this section shall be a misdemeanor punishable by imprisonment of not more than 10 days and a fine of not more than $200.

"§ 168-4.6. *Donation of dogs for training.*—Dogs impounded by a local dog warden that are not redeemed shall be donated to a nonprofit agency engaged in the training of assistance dogs, upon the agency's request."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 521 **CHAPTER 515**

AN ACT TO PROVIDE FOR THE SIMULTANEOUS FORECLOSURE OF TWO OR MORE DEEDS OF TRUST SECURED BY THE SAME PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to Chapter 45 of the General Statutes, to be numbered and to read as follows:

"§ 45-21.9A. *Simultaneous foreclosure of two or more instruments.*—When the same property secures two or more mortgages or deeds of trust held by the same person, and there are no intervening liens, except for ad valorem taxes, between such mortgages or deeds of trust, the obligations secured by such mortgages or deeds of trust may be combined and the property sold once to satisfy the combined obligations if (i) powers of sale are provided in all such instruments; (ii) there is no provision in any such instrument which would not permit such a procedure; (iii) all the terms of all such instruments requiring compliance by the lender in connection with foreclosure sales are complied with; and (iv) all requirements of this Chapter governing power of sale foreclosures are met with respect to all such instruments. The proceeds of any sale shall be applied as provided in this Chapter. As between the combined

obligations being foreclosed, proceeds shall be applied in the order of priority of the instruments securing them, and any deficiencies shall be determined accordingly."

Sec. 2. This act shall become effective July 1, 1985, and shall apply to sales conducted on or after that date.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 540 **CHAPTER 516**

AN ACT TO MAKE CLARIFYING AMENDMENTS TO THE ESSENTIAL PROPERTY INSURANCE FOR BEACH AREA PROPERTY ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-173.2(5) is amended on the last line by adding a new clause to read:

"provided, however, such individual certificate shall not be necessary in those cases where the structure is located within a political subdivision which has certified to the Association on an annual basis that it is enforcing the North Carolina Uniform Residential Building Code or the North Carolina Building Code and has no plans to discontinue enforcing these codes during that year."

Sec. 2. G.S. 58-173.8 is amended by adding a new subsection (d) to read:

"(d) An agent who is licensed under North Carolina General Statutes 58-40(a) as an agent of a company which is a member of the Association established under this Article shall not be deemed an agent of the Association."

Sec. 3. G.S. 58-173.11 is amended by rewriting the first sentence to read:

"Any person or any insurer who may be aggrieved by an act, ruling or decision of the Association other than an act, ruling or decision relating to the cause or amount of a claimed loss, may, within 30 days after such ruling appeal to the Commissioner."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 549 **CHAPTER 517**

AN ACT TO PROVIDE THAT THE MOREHEAD CITY NAVIGATION AND PILOTAGE COMMISSION MAY REGULATE THE PILOTING OF SHIPPING FROM MOREHEAD CITY TO AURORA.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 76A-31 is rewritten to read:

"The Commission shall have the exclusive power to license and regulate pilots familiar with the waters of Morehead City Harbor and Beaufort Bar and the water route from Morehead City to Aurora, North Carolina (to include from Morehead City through the Inland or Intracoastal Waterway

North, through Adams Creek, the Neuse River, the Bay River, the Hobuken Canal, the Pamlico River, and South Creek to Aurora or from the Neuse River around Brant Island Shoal through the Pamlico River and South Creek to Aurora), referred to herein as the regulated area, to best guide vessels within those waters and to exercise authority over navigation in Morehead City Harbor and Beaufort Bar and to and from the sea buoy of the port."

Sec. 2. G.S. 76A-35(a) is amended by deleting "Morehead Harbor and from and to Beaufort Bar and the sea buoy" and substituting "the regulated area" in lieu thereof. G.S. 76A-35(a) is further amended after the second sentence by inserting the following sentence: "However, the Commission may not establish rules and regulations concerning the Morehead City to Aurora water route except as they may apply to foreign vessels displacing over 60 gross tons".

Sec. 3. G.S. 76A-46 is amended in the first sentence by deleting "regulated area" and substituting "the waters of the Morehead City Harbor and Beaufort Bar" in lieu thereof. G.S. 76A-46 is further amended after the first sentence by inserting the following sentence: "Every foreign vessel sailing including such vessels towing or being towed when underway or docking in the Morehead City to Aurora water route, and over 60 gross tons, shall employ and utilize a State licensed pilot."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 579 **CHAPTER 518**

AN ACT TO PROVIDE THAT AN APPLICATION FOR USE VALUE CONTINUE IN EFFECT UNTIL THE PROPERTY IS TRANSFERRED OR BECOMES OTHERWISE INELIGIBLE FOR USE-VALUE CLASSIFICATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-277.4(a) is amended by deleting the last three sentences of that subsection and substituting the following sentences to read:

"An initial application shall be filed during the regular listing period of the year for which the benefit of this classification is first claimed, or within 30 days of the date shown on a notice of a change in valuation made pursuant to G.S. 105-286 or G.S. 105-287. A new application is not required to be submitted unless the property is transferred or becomes ineligible for use-value appraisal because of a change in use or acreage."

Sec. 2. G.S. 105-296 is amended by adding a new subsection to read:

"(j) The assessor shall annually review one eighth of the parcels in the county classified for taxation at present-use value to verify that these parcels qualify for the classification. By this method, the assessor shall review the eligibility of all parcels classified for taxation at present-use value in an eight-year period. The assessor may require the owner of classified property to submit any information needed by the assessor to

verify that the property continues to qualify for present-use value taxation."

Sec. 3. No new application for present-use value classification is required to be made in 1984 or 1985 for land classified in 1983 or 1984 for taxation at present-use value unless that land's ownership, use, or acreage has changed, and no deferred taxes are due in 1984 or 1985 on land classified in 1983 or 1984 for taxation at present-use value solely because the owner of the land failed to submit a new application for the land in a reappraisal year, as required by G.S. 105-277.4(a) before its amendment by this act.

Sec. 4. Section 1 of this act is effective upon ratification and applies to taxable years beginning on or after January 1, 1984. Section 2 of this act shall become effective for taxable years beginning on or after January 1, 1986. Section 3 of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 591 **CHAPTER 519**

AN ACT TO MAKE CLARIFYING AMENDMENTS TO THE FAIR ACCESS TO INSURANCE REQUIREMENTS ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-173.17 is amended by deleting lines 3-5 and rewriting those lines to read:

"insurable property in urban areas of the State. It is further the purpose of".

Sec. 2. G.S. 58-173.18 is amended by deleting lines 9-12 and rewriting those lines to read:

"consistent with the provisions of this Article."

Sec. 3. G.S. 58-173.19 is amended by deleting the last sentence, designating the first sentence as subsection (a), and adding subsection (b) to read:

"(b) An agent who is licensed under G.S. 58-40(b) as an agent of a company which is a member of the Association established under this Article shall not be deemed an agent of the Association."

Sec. 4. G.S. 58-173.20 is amended by rewriting lines 10-12 to read:

"convenient for the purpose of assuring fair access to insurance requirements."

Sec. 5. G.S. 58-173.23 is amended by rewriting line 3 to read:

"of the administrators of the Plan or Underwriting Association, other than an act or decision relating to the cause or amount of a claimed loss, may be heard in".

Sec. 6. G.S. 58-173.25, 58-173.27 and 58-173.28 are repealed.

Sec. 7. G.S. 58-173.26 is amended by rewriting lines 2 and 3 to read:

"as provided herein, the amount assessed each insurer shall be immediately recalculated excluding therefrom the".

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 592 **CHAPTER 520**

AN ACT TO PERMIT EXTENSION SERVICE EMPLOYEES HAVING DUAL EMPLOYMENT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, PREVENT PARTIAL WITHDRAWAL, AND PERMIT EXTENSION SERVICE EMPLOYEES TO RESTORE PARTIALLY WITHDRAWN ACCOUNTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-3(1) is amended by changing the period at the end of the next to the last sentence to a semicolon and adding the following phrase to read: "; provided further, that effective July 1, 1985, an extension service employee who is employed in part by a county and who is compensated in whole by the Cooperative Agricultural Extension Service pursuant to a contract where the Cooperative Agricultural Extension Service is reimbursed by the county for the county's share of the compensation shall participate exclusively in the Teachers' and State Employees' Retirement System to the extent of their full compensation."

Sec. 2. G.S. 128-27(f) and G.S. 135-5(f) are amended by adding a sentence at the end thereof to read "An extension service employee who made contributions to the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System as a result of dual employment may not be paid his accumulated contributions unless he is eligible to be paid his accumulated contributions in both systems for the same period of service.

Sec. 3. An active or retired extension service employee who was employed in part by a county and in part by the Cooperative Agricultural Extension Service and who was paid his accumulated contributions from either the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System while retaining his accumulated contributions in the other Retirement System for the same period may on or before June 30, 1986, or 90 days after the effective date of this legislation, whichever comes last, repay in a lump sum the accumulated contributions withdrawn with interest and a fee added thereto to be determined by the Board of Trustees and restore the service credit represented thereby.

Sec. 4. Nothing in this act should be construed to require any employee of the Cooperative Agricultural Extension Service who has elected to become a member of a retirement system for employees of the United States Government to become a member of the Teachers' and State Employees' Retirement System.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 620 **CHAPTER 521**

AN ACT TO AMEND THE CERTIFICATE OF NEED LAW TO PERMIT THE TRANSFER OR ASSIGNMENT OF CERTAIN CERTIFICATES OF NEED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-181 is amended by adding the following passage at the conclusion:

"Provided, however, that a certificate of need granted to operate a hospital may be transferred or assigned to another person undertaking a legal obligation to own or operate the hospital if the Department determines that:

1. the existing hospital cannot reasonably continue operating in a manner sufficient to provide the health services for which its certificate of need was granted;
2. another person is ready, willing and able to assume ownership or operation of the hospital and to provide the appropriate and needed health services;
3. failure to approve the transfer or assignment would likely result in a significant deficiency in the level of health services available in the area to be served; and
4. there is no pending application for a certificate of need which is likely to be granted for providing the appropriate and needed services within time to prevent a significant deficiency in the level of health services available in the area to be served.

Any certificate of need transferred or assigned under this section may be under such conditions as the Department considers necessary to best protect the health and lives of the people of this State."

Sec. 2. This act is effective upon ratification, and shall expire July 1, 1987.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 635 **CHAPTER 522**

AN ACT TO CREATE A NEW CHAPTER OF THE GENERAL STATUTES CONCERNING MILITARY AFFAIRS AND TO REGULATE MILITARY PROPERTY SALES FACILITIES AND DISCRIMINATION AGAINST MILITARY MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. The General Statutes are amended by adding a new Chapter to read:

"Chapter 127B.
"Military Affairs.
"Article 1.
"Military Property Sales Facilities.

"§ 127B-1. *Military property sales facility defined.*—Any person, partnership, association or corporation who engages in the business of selling, consigning, purchasing, transferring or in any way acquiring military property for resale, is a 'military property sales facility'. Specifically excluded are facilities operated by the United States Government, the State of North Carolina or any of its agencies and persons, partnerships, associations or corporations selling or purchasing military property pursuant to a contract with the United States Government, the State of North Carolina or any of its agencies.

"§ 127B-2. *Military property defined.*—'Military property' means property originally manufactured for the United States or State of North Carolina which is a type and kind issued for use in, or furnished and intended for, the military service of the United States or the militia of the State of North Carolina.

"§ 127B-3. *License.*—No person, partnership, association or corporation shall engage in the business of selling military property or purchasing military property for resale without first having obtained a license to do so from the local governing body of the city, town, or county in which it is located and by paying the county, State, and municipal tax required by law, and otherwise complying with the requirements made in this and succeeding sections. The license shall be posted in a prominent place, easily visible to the public, on the designated premises.

"§ 127B-4. *Local governing authorities to grant and control license; bond.*—(a) The governing body of any city, town, or county in this State may grant to such person, partnership, association or corporation as who shall produce satisfactory evidence of good character, a license authorizing such person, partnership, association or corporation to carry on the business of a military property sales facility. The license shall designate the building in which the person, partnership, association or corporation shall carry on the business, and no person, partnership, association or corporation shall carry on the business of a military property sales facility without being duly licensed, nor in any other building than the one designated in the license.

(b) Any person or the principal officers of any association or corporation or all the partners of any partnership applying for a license shall furnish the governing body the following information:

(1) Full name, and any other names used by the applicant during the preceding five years, or in the case of a partnership, association or corporation, the applicant shall list any partnership, association, or corporate names used during the preceding five years;
(2) Current address, and all addresses used by the applicant during the preceding five years;
(3) Physical description;
(4) Age;
(5) Driver's license number, if any, and state of issuance;

(6) Recent color photograph;
(7) Record of felony convictions; and
(8) Record of other convictions during the preceding five years.

(c) Every person, partnership, association or corporation so licensed to carry on the business of a military property sales facility shall, at the time of receiving a license, file with the governing body of the city, town, or county granting the license, a bond payable to the city, town, or county in the sum of one thousand dollars ($1,000), to be executed by the person licensed and by two responsible sureties, or a surety company licensed to do business in the State of North Carolina, to be approved of by the governing body. The bond shall be for the faithful performance of the requirements and obligations pertaining to the business licensed. The governing body, may revoke the license and sue for forfeiture of the bond upon a breach of the licensee's duties under the bond. Any person who may obtain a judgment against a military property sales facility and upon which judgment execution is returned unsatisfied may maintain an action in his own name upon the bond of the military property sales facility, in any court having jurisdiction of the amount demanded to satisfy the judgment.

"§ 127B-5. *Perjury; punishment.*—Any person who shall willfully commit perjury in any application for a permit pursuant to this Article shall be guilty of a misdemeanor.

"§ 127B-6. *Records to be kept.*—(a) Every military property sales facility owner shall keep a book in which shall be legibly written, at the time of each transaction involving the acquisition by any means of used or new military property by the military property sales facility owner, his employee or agent, from any person, partnership, association or corporation, the following information:

(1) An account and description of the used or new military property including if applicable, the manufacturer's name, the model, the model number, the serial number of the property, and any engraved numbers or initials found on the property. Property lacking any identifying mark or characteristic shall be marked by the military property sales facility owner in such a way as to allow clear identification of the property.
(2) The amount of money paid;
(3) The date of the transaction; and
(4) The name and residence of the person selling, consigning or transferring the used or new military property.

(b) The military property sales facility owner, or his employee or agent shall require that the person selling the new or used military property, to present two forms of positive identification to him before the military property sales facility personnel may complete any transaction regarding the buying, consigning or acquiring of new or used military property. The presentation of any one state or federal government issued identification containing a photographic representation imprinted on it shall constitute compliance with the identification requirements of this paragraph. The military property sales facility owner or his employee or agent shall

legibly record this identification information next to the person's name and residence in the book required to be kept. Both the military property sales facility owner, his employee or agent and the seller, consignor or transferor of the military property shall sign the record entry.

(c) The book shall be a permanent record to be kept at all times on the premises of the place of business of the military property sales facility and shall be made available, during regular business hours, to any law enforcement officer who requests to inspect the book. A copy of the records required to be kept by this section shall be filed within 48 hours of the transaction in the office of the local law enforcement agency serving the city, town, or county which issued the license to the military. Mailing the required copy to the local law enforcement agency within 48 hours shall constitute compliance with this section.

"§ 127B-7. *Penalties.*—Any dealer who violates the provisions of this Article shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars ($500.00) or imprisoned for not more than six months, or both. In addition, any dealer convicted of violating this Article shall be ineligible for a dealer's permit for a period of three years from the date of conviction. Each violation shall constitute a separate and distinct offense.

§ 127B-8 and § 127B-9. Reserved for future codification.

"Article 2.
"Discrimination Against Military Personnel.

"§ 127B-10. *Purpose.*—The General Assembly finds and declares that military personnel in North Carolina vitally affect the general economy of this State and that it is in the public interest and public welfare to ensure that no discrimination against military personnel is practiced by any business.

"§ 127B-11. *Private discrimination prohibited.*—No person shall discriminate against any officer, warrant officer or enlisted person of the military or naval forces of the State or of the United States because of their membership therein. No member of these military forces shall be prejudiced or injured by any person, employer, officer or agent of any corporation, company or firm with respect to their employment, position or status or denied or disqualified for employment by virtue of their membership or service in the military forces of this State or of the United States.

"§ 127B-12. *Public discrimination prohibited.*—No officer or employee of the State, or of any county, city and county, municipal corporation, school district, water district, or other district shall discriminate against any officer, warrant officer or enlisted person of the military or naval forces of the State or of the United States because of their membership therein. No member of the military forces shall be prejudiced or injured by any officer or employee of the State, or of any county, city and county, municipal corporation, school district, water district, or other district with respect to their employment, appointment, position or status or denied or disqualified for or discharged from their employment or position by virtue of their membership or service in the military forces of this State or of the United States.

"§ 127B-13. *Refusing entrance prohibited.*—No person shall prohibit or refuse entrance to any officer, warrant officer or enlisted person of the military or naval forces of this State or of the United States into any public place of entertainment, of amusement, or accommodation because the officer or enlisted person is wearing the uniform of the organization to which they belong or because of their membership or service in the military forces of this State or of the United States.

"§ 127B-14. *Employer discrimination prohibited.*—No employer or officer or agent of any corporation, company, or firm, or other person shall discharge any person from employment because of the performance of any emergency military duty by reason of being an officer, warrant officer or enlisted person of the military or naval forces of this State or the United States.

"§ 127B-15. *Penalties.*—Any person who violates the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars ($500.00) or imprisoned for not more than six months, or both. Each violation shall constitute a separate and distinct offense."

Sec. 2. All local laws governing military property businesses in counties or towns which are inconsistent with this act are repealed.

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 644 **CHAPTER 523**

AN ACT TO CONTINUE CERTAIN SALES AND USE TAX REFUNDS TO AIR CARRIERS AFTER AIRLINE DEREGULATION.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 105-164.14(a) is amended as follows:

(1) by deleting the words "Civil Aeronautics Board" and substituting the words "United States Department of Transportation";

(2) by deleting the words "Commission or Board" and substituting the words "federal agency"; and

(3) by inserting between the words "accounting" and "may" the phrase "or, in the case of a small certificated air carrier, is required by the U.S. Department of Transportation to make reports of financial and operating statistics,".

Sec. 2. This act is effective upon ratification and applies to refunds claimed on and after January 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 673 **CHAPTER 524**

AN ACT TO AMEND THE UNIFORM ANATOMICAL GIFT ACT RELATING TO CORNEA DONATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-403(8) is amended by deleting the period at the end of sub-subdivision d. and by substituting a semicolon, and by adding a new sub-subdivision to read:

"e. A technician who has successfully completed a written examination by the North Carolina Eye and Human Tissue Bank, Inc., certified by the Eye Bank Association of America."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 716 **CHAPTER 525**

AN ACT TO PERMIT MUNICIPALITIES BORDERING ON THE ATLANTIC OCEAN TO REGULATE SEWER TIE-ONS WITHIN THEIR CORPORATE LIMITS, AND TO AUTHORIZE DARE COUNTY TO LEVY AN EXCISE TAX ON INSTRUMENTS CONVEYING REAL PROPERTY IN DARE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-196. *Sewage tie-ons.*—Cities that (in whole or in part) are adjacent to, adjoining, intersected by or bounded by the Atlantic Ocean and Pamlico Sound may by ordinance regulate the tie-ons to sewage systems within their corporate limits."

Sec. 2. Tax. (a) Authorization. The Dare County Board of Commissioners may, by resolution, levy an excise tax on instruments conveying certain interests in real property in Dare County. The tax imposed may not exceed one dollar ($1.00) on each one hundred dollars ($100.00) or fraction thereof of the total consideration or value of the interest conveyed, including, in the case of a sale, the value of any lien or encumbrance remaining on the property at the time of sale. This tax is in addition to the tax levied by Article 8E of Chapter 105 of the General Statutes. The value of a lease subject to this tax shall be computed on the basis of the present value of the fixed lease payments and, if the lease payments are based in whole or in part on the lessee's receipts, the estimated amount of the lessee's receipts.

(b) Scope. A tax levied under this section applies to all instruments conveying an interest in real property in Dare County except an instrument:

(1) Conveying an interest in real property from the United States, the State, or a political subdivision of the State;

(2) Recording a lease for a term of 10 years or less, unless:

a. The lease gives the lessee an option to renew the lease for a period that, when added to the term of the lease, exceeds the 10-year limitation; or
b. The lease is for substantially the same property and is between the same parties as a lease previously recorded, and the term of the new lease, when added to that of the previous lease, exceeds the 10-year limitation; or
c. The lease requires or permits the property to be transferred to the lessee for less than the fair market value of the property;

(3) Securing indebtedness; or
(4) Recording a transfer in which no consideration was paid or is due the transferor by the transferee.

In addition, this tax does not apply to conveyances of an interest in real property by operation of law, by will, or by intestacy.

(c) Collection. A tax levied under this section is payable by the transferor of the interest to the Dare County Tax Collector. This tax must be paid at the tax collector's office before the instrument conveying the interest is recorded. The tax collector shall stamp or otherwise mark each instrument subject to the tax to indicate that the tax has been paid. The Dare County Register of Deeds may not accept for recordation an instrument subject to a tax levied under this section unless the instrument bears the tax collector's mark indicating that the tax has been paid.

(d) Appeal. A person who is liable for a tax levied under this section who disputes the amount of tax due shall pay the tax stated by the tax collector to be due, but may appeal the payment of the tax to the Land Transfer Tax Appeals Board by filing a written notice of appeal with the tax collector within 30 days after paying the tax. Upon receipt of a notice of appeal, the tax collector shall forward a copy of the notice of appeal to the chairman of the Land Transfer Tax Appeals Board. A notice of appeal shall state the reason for the appeal and the amount of tax the appellant contends is due.

The Land Transfer Tax Appeals Board is established to determine appeals of taxes imposed under this section. The Board shall consist of seven members, two of whom shall be appointed by the Dare County Board of Commissioners, one of whom shall be appointed by the governing body of Kill Devil Hills, one of whom shall be appointed by the governing body of Kitty Hawk, one of whom shall be appointed by the governing body of Manteo, one of whom shall be appointed by the governing body of Nags Head, and one of whom shall be appointed by the governing body of Southern Shores. The county commissioners shall designate a chairman of the Board from the membership of the Board. The expenses of the Board are an administrative expense and shall be paid from the proceeds of the tax.

Members of the Board shall serve staggered four-year terms, with the term of one of the members appointed by the board of commissioners and the terms of the members appointed by the governing bodies of Nags Head and Southern Shores ending on June 30 of one four-year period, and the terms of the remaining members ending on June 30 of the four-year period ending the second year following the year in which the terms of the other three members ended. Members shall serve until their successors are

appointed. A vacancy shall be filled by the appointing authority of the member who created the vacancy.

The Land Transfer Tax Appeals Board shall meet at the call of the chairman and shall meet as often as needed to hear appeals. All appeals to the Board shall be heard by the Board within 45 days of the date the tax collector receives a notice of appeal. The Board shall issue a written decision within 20 days after hearing an appeal and shall send a copy of the decision to the appellant and to the tax collector. If the decision states that an appellant paid more tax than was due, the tax collector shall immediately refund to the appellant the amount of the overpayment. The appellant and the tax collector may appeal the decision of the Board in an action brought in the superior court of the county. An appeal to the superior court shall be heard *de novo.*

(e) Use and Distribution of Tax Revenue. For the first 12 fiscal years in which a tax levied under this section is in effect, all proceeds of the tax shall be retained by the county and shall be placed in a special Capital Reserve Fund in the general fund of the county. Revenue in this Fund may be used by the county only for capital expenditures for the following: courts, jails and detention facilities, emergency medical services, libraries, recreation, education, administration, water, sewage, health, and social services.

Beginning with the 13th fiscal year in which a tax levied under this section is in effect, the county shall distribute one-third (⅓) of the net proceeds of the tax on a quarterly basis to the Towns of Nags Head, Kill Devil Hills, Kitty Hawk, Southern Shores, and Manteo in Dare County in proportion to the amount of ad valorem taxes levied by each town for the preceding fiscal year. Revenue distributed to a town may be used only for capital expenditures. The remaining two-thirds (⅔) of the net proceeds shall be retained by the county and placed in the special Capital Reserve Fund established under this subsection, to be used only for the purposes listed above. As used in this subsection, "net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax.

(f) Penalties. A person who knowingly fails to pay a tax levied under this section, who knowingly aids another to fail to pay a tax levied under this section, or who, to avoid paying part or all of the tax due under this section, knowingly misstates the total consideration for an interest conveyed is guilty of a misdemeanor and is punishable by imprisonment for up to two years and a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000).

(g) Taxes Recoverable by Action. If a transferor fails to pay a tax imposed by this section within 30 days of the tax collector's demand that he pay the tax, the tax may be recovered by Dare County in an action brought in the superior court of the county. In an action to recover a tax imposed under this section, costs of court shall include a fee to the county of twenty-five dollars ($25.00) for the expense of collection.

(h) Effective Date; Application. A tax levied under this section shall become effective on the first day of a month, as designated in the resolution levying the tax, and may not become effective for at least 30 days after the adoption of the resolution. A tax levied under this section

applies to instruments that are executed on or after the effective date of the levy, except instruments executed on or after that date that convey an interest in real property pursuant to a recorded written contract made before the effective date.

(i) Repeal. A tax levied by this section may be repealed by a resolution adopted by the Dare County Board of Commissioners. Repeal of a tax levied under this section shall become effective on the first day of a month and shall apply to instruments recorded on or after the effective date of the repeal. Repeal of a tax levied under this section does not affect a liability for this tax that attached before the effective date of the repeal.

Sec. 3. Notwithstanding subsection (d) of Section 2 of this act, the initial term of one of the members to the Land Transfer Tax Appeals Board appointed by Dare County Board of Commissioners and the initial terms of the members appointed by the governing bodies of Nags Head and Southern Shores shall end on June 30 of the second year after their term begins.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 727 **CHAPTER 526**

AN ACT TO INCREASE THE REIMBURSEMENT TO THE DEPARTMENT OF REVENUE FOR EXPENSES INCURRED IN COLLECTING ASSESSMENTS ON PRIMARY FOREST PRODUCTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113A-193(c) is rewritten to read as follows:

"The Secretary of Revenue shall be reimbursed for those actual expenditures incurred as a cost of collecting the assessment for the Forest Development Fund. This amount shall be transferred from the Forest Development Fund in equal increments at the end of each quarter of the fiscal year to the Department of Revenue. This amount shall not exceed five percent (5%) of the total assessments collected on primary forest products during the preceding fiscal year."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 742 **CHAPTER 527**

AN ACT TO CLARIFY SCHOOL BOARD LIABILITY INSURANCE COVERAGE.

The General Assembly of North Carolina enacts:

Section 1. The second paragraph of G.S. 115C-42 is rewritten as follows:

"Any contract of insurance purchased pursuant to this section shall be issued by a company or corporation duly licensed and authorized to execute

insurance contracts in this State or by a qualified insurer as determined by the Department of Insurance and shall by its terms adequately insure the local board of education against liability for damages by reason of death or injury to person or property proximately caused by the negligent act or torts of the agents and employees of said board of education or the agents and employees of a particular school in a local administrative unit when acting within the scope of their authority. The local board of education shall determine what liabilities and what officers, agents and employees shall be covered by any insurance purchased pursuant to this section. Any company or corporation which enters into a contract of insurance as above described with a local board of education, by such act waives any defense based upon the governmental immunity of such local board of education."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 822 **CHAPTER 528**

AN ACT TO HOLD BOTH LICENSED AND UNLICENSED SUPPLIERS OF SPECIAL FUEL LIABLE FOR NON-TAX-PAID FUEL SOLD OR DELIVERED TO UNLICENSED PERSONS FOR HIGHWAY USE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-449.18 is rewritten to read:

"§ 105-449.18. *Liability for tax on non-tax-paid fuel sold or delivered to unlicensed persons.*—A person who, knowing or having reason to know that the fuel is to be sold or used to propel a motor vehicle, sells or delivers to a person who is not licensed under this Article fuel on which the tax due under this Article has not been paid is liable for the tax imposed on the fuel by this Article."

Sec. 2. G.S. 105-449.2(2) is rewritten to read:

"(2) 'Motor vehicle' means a self-propelled vehicle that is designed and licensed for use on a highway."

Sec. 3. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 396 **CHAPTER 529**

AN ACT TO REQUIRE INDEPENDENT AUDITS OF PERSONS APPLYING FOR OR HOLDING PERMITS FOR LOW-LEVEL RADIOACTIVE FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 104E-10.1 is amended by adding a second paragraph to read:

"Each permit applicant or permit holder (or any parent or subsidiary corporation if the permit applicant or permit holder is a corporation), as a condition of receiving or holding a permit, shall have an independent

annual audit by a firm of duly licensed certified public accountants carrying a minimum of five million dollars ($5,000,000) professional liability insurance coverage, proof of which coverage shall be provided with the issuance of the audit report. Each permit applicant or permit holder referred to above shall also provide the Department of Human Resources with a copy of the report and shall submit a copy of the report to the State Auditor for approval regarding its adequacy and completeness. As a minimum, the required report shall include the financial statements prepared in accordance with generally accepted accounting principles, all disclosures in the public interest required by law, and the auditor's opinion and comments relating to the financial statements. The audit shall be performed in conformity with generally accepted auditing standards."

Sec. 2. This act is effective upon ratification and shall apply to permit applications pending on and after the date of ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 524 **CHAPTER 530**

AN ACT TO PROVIDE FOR THE RETIREMENT OF CURRENTLY PERMANENT PART-TIME TEACHERS AND STATE EMPLOYEES WHO HAD TEN OR MORE YEARS OF MEMBERSHIP SERVICE PRIOR TO EMPLOYMENT ON A PERMANENT PART-TIME BASIS, WITH THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-4(p1) is amended by redesignating all the language as subdivision "(1)" and by adding a subdivision "(2)" to read:

"(2) Under all requirements and conditions set forth in the preceding subdivision of this subsection (p1), except for the requirement that the completion of 10 years of membership service be subsequent to service rendered as a part-time teacher or employee of the State, any member with 10 or more years of membership service standing to his credit may purchase additional membership service for service rendered as a part-time teacher or employee of the State if (i) the member terminates or has terminated employment in any capacity as a teacher or employee of the State, (ii) the purchase of the additional membership service causes the member to become eligible to commence an early or service retirement allowance, and (iii) the member immediately elects to commence retirement and become a beneficiary."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 580 **CHAPTER 531**

AN ACT TO GIVE THE CITY OF WILMINGTON AUTHORITY TO ABOLISH THE FIREMEN'S PENSION FUND FOR THE CITY OF WILMINGTON.

The General Assembly of North Carolina enacts:

Section 1. The City Council of the City of Wilmington is hereby authorized to abolish the Firemen's Pension Fund of Wilmington, North Carolina, established by Chapter 26 of the 1937 Private Laws of North Carolina, as amended, upon the following conditions:

(a) That the City of Wilmington transfer the assets, the active employees, and all those receiving benefits under this fund to the North Carolina Local Governmental Employees' Retirement System, and

(b) That at least sixty percent (60%) of the members of this fund, defined as those employees actively contributing to the fund or retired and receiving benefits under the fund, vote in the affirmative for said transfer.

Sec. 2. All laws and clauses of laws in conflict herewith, to the extent of such conflict, shall be inapplicable to the City of Wilmington.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 581 **CHAPTER 532**

AN ACT TO GIVE THE CITY OF WILMINGTON THE AUTHORITY TO INCREASE THE PENSIONS BEING RECEIVED UNDER THE FIREMEN'S PENSION FUND.

The General Assembly of North Carolina enacts:

Section 1. Section 7 of Chapter 26 of the Private Laws of 1937, as amended, is amended to add new subdivisions (7) and (8) at the end to read:

"(7) The Council of the City of Wilmington may, by ordinance, direct the Pension Board to increase the pensions being received by pensioners and surviving spouses under the terms of the Pension Fund to take into account in full or in part cost-of-living increases since retirement. Provided that the cost of such increases shall, before action is taken by the Council, be determined by a qualified actuary, and that said cost be paid for on an actuarially sound basis.

(8) A Member's pension from this Pension Fund, payable in the form of a single life annuity and expressed as an annual pension, shall not exceed the lesser of ninety thousand dollars ($90,000), or one hundred percent (100%) of his average compensation for the three consecutive limitation years, a 'year' being the 12-month period beginning July 1st and ending June 30th, during which he was an active Member and had the greatest aggregate compensation from the City, except that such limitation shall not apply where the aggregate pension payable to the Member under this Pension Fund and under all other defined benefit plans of the City do not exceed ten thousand dollars ($10,000) during the current limitation

year or any prior limitation year, and the Member has not at any time participated in a defined contribution plan maintained by the City. The dollar limitation provided in this paragraph shall be adjusted effective as of January 1st of each calendar year for cost-of-living increases in accordance with the regulations promulgated under Section 415 of the Internal Revenue Code of 1954, and the adjusted dollar limitation shall apply to the limitation year ending with or within that calendar year.

For purposes of this paragraph, 'compensation' shall mean the total wages, salary, and other remuneration paid by the City to a Member for personal services actually rendered in the course of employment as described in Treasury Regulation Section 1.415-2(d).

The following adjustments shall be made in the limitations set forth in this subdivision:

a. If payments begin before age 62, the dollar limitation shall be adjusted, in accordance with regulations prescribed by the Secretary of the Treasury or his delegate, to be the equivalent of the dollar limitation set forth in this paragraph on the basis of reasonable actuarial assumptions with the interest rate assumption being five percent (5%). Provided, that such adjustment shall not produce a dollar limitation of less than seventy-five thousand dollars ($75,000) for any benefits beginning at or after age 55; or, if the pension begins before age 55, such adjustment shall not produce a dollar limitation of less than the equivalent of a benefit of seventy-five thousand dollars ($75,000) beginning at age 55.

b. If payments begin after age 65, the dollar limitation shall be adjusted, in accordance with regulations prescribed by the Secretary of the Treasury or his delegate, to be the equivalent of the dollar limitation set forth in this paragraph on the basis of reasonable actuarial assumptions, with the interest rate assumption being five percent (5%).

c. If a pension is payable in a form other than a single life annuity, the pension shall be converted to a single life annuity for purposes of applying the limits of this paragraph. The amount of the single life annuity determined for this purpose shall be the actuarial equivalent of such pension, and shall be determined in accordance with regulations prescribed by the Secretary of the Treasury or his delegate on the basis of reasonable actuarial assumptions, with the interest rate assumption being five percent (5%).

If a Member has less than 10 years of service, the limitation otherwise applicable under this paragraph shall be computed by multiplying the limitation by a fraction, the numerator of which is the Member's years of service and the denominator of which is 10.

If a Member of the Pension Fund is also a Member under a defined contribution plan sponsored by the City, the 'annual additions' to his Individual Account under such defined contribution plan will be reduced to the extent necessary to prevent the sum of the 'defined benefit plan fraction' and the 'defined contribution plan fraction', computed as of the close of the limitation year, from exceeding 1.0.

For purposes of determining this limitation, the 'defined benefit plan fraction' is a fraction, the numerator of which is the Member's projected Normal Retirement Benefit under this Pension Fund payable in the form of a straight life annuity and expressed as an annual pension (determined as of the close of the limitation year), and the denominator of which is the lesser of (i) the product of 1.25 times the dollar limitation in effect under Section 415(b)(1)(A) of the Internal Revenue Code of 1954 for such year, or (ii) the product of 1.4 times one hundred percent (100%) of his average compensation for the three consecutive limitation years during which he was an active Member in the Pension Fund and had the greatest compensation from the City.

For purposes of determining this limitation, the 'defined contribution plan fraction' is a fraction, the numerator of which is the sum of the 'annual additions' to the Member's Individual Account under the defined contribution plan for the current limitation year and for all prior limitation years, and the denominator of which is the sum of the lesser of the following amounts determined for the current limitation year and for all prior limitation years: (i) the product of 1.25 times the dollar limitation in effect under Section 415(c)(1)(A) of the Internal Revenue Code of 1954 for such year, or (ii) the product of 1.4 times twenty-five percent (25%) of compensation for such year. The words 'annual additions' are defined in Section 415(c)(2) of the Internal Revenue Code of 1954.

Notwithstanding anything in this section to the contrary:

d. If for the last limitation year beginning prior to January 1, 1983, the sum of the 'defined benefit plan fraction' and the 'defined contribution plan fraction' shall exceed 1.0, the numerator of the 'defined contribution plan fraction' shall be decreased to the extent necessary to reduce the sum of said fractions to 1.0.

e. In lieu of using the 'defined contribution plan fraction', if the Pension Fund has been in effect for one or more limitation years ending prior to January 1, 1983, the Pension Board may in computing the denominator of said 'defined contribution plan fraction' elect to apply a 'transition fraction' for each limitation year ending after December 31, 1982; and in such event, the amount to be taken into account as the denominator of the 'defined contribution plan fraction' for all limitation years ending before January 1, 1983, shall be an amount equal to the product of the sum of the maximum 'annual additions' allowable by law for each limitation year through the limitation year ending in 1982 multiplied by the 'transition fraction' instead of the denominator determined in accordance with the provisions of the preceding paragraph. The 'transition fraction' is a fraction, the numerator of which is the lesser of (i) fifty-one thousand eight hundred seventy-five dollars ($51,875) or (ii) the product of 1.4 times twenty-five percent (25%) of the compensation of the Member for the limitation year ending in 1981; and the denominator of which is the lesser of (i) forty-one thousand five hundred dollars ($41,500) or (ii) twenty-five percent (25%) of the compensation of the Member for the limitation year ending in 1981.

For purposes of applying the rules of this paragraph, the following provisions shall apply: (i) all defined benefit plans of the City shall be considered as a single plan, and all defined contribution plans of the City shall be considered as a single plan; and (ii) all entities, whether or not incorporated, required to be aggregated under the provisions of Section 414(b), (c), or (m) of the Internal Revenue Code of 1954 shall be considered to be a single employer.

If the City maintains more than one defined benefit plan, Section 415(b)(1)(B) of the Internal Revenue Code of 1954 which limits the annual benefit to which a Member is entitled to one hundred percent (100%) of his average compensation for his high three years, shall be applied separately with respect to each such plan, but in applying such limitation to the aggregate of such defined benefit plans, the high three years of compensation taken into account shall be the period of consecutive limitation years during which an individual had the greatest aggregate compensation from the City."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. None of the provisions of this act shall create a liability for the Wilmington Firemen's Pension Fund unless sufficient current assets are available in the Fund to pay fully for the liability.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 582 **CHAPTER 533**

AN ACT TO GIVE THE CITY OF WILMINGTON THE AUTHORITY TO INCREASE THE PENSIONS BEING RECEIVED UNDER THE POLICE PENSION FUND.

The General Assembly of North Carolina enacts:

Section 1. Section 11 of Chapter 55 of the Private Laws of 1915, as amended, is amended to add new paragraphs at the end to read:

"The Council of the City of Wilmington may, by ordinance, direct the Pension Board to increase the pensions being received by pensioners and surviving spouses under the terms of the Pension Fund to take into account in full or in part cost-of-living increases since retirement. Provided that the cost of such increases shall, before action is taken by the Council, be determined by a qualified actuary, and that said cost be paid for on an actuarially sound basis.

A Member's pension from this Pension Fund, payable in the form of a single life annuity and expressed as an annual pension, shall not exceed the lesser of ninety thousand dollars ($90,000), or one hundred percent (100%) of his average compensation for the three consecutive limitation years, a 'year' being the 12-month period beginning July 1st and ending June 30th, during which he was an active Member and had the greatest aggregate compensation from the City, except that such limitation shall not apply where the aggregate pension payable to the Member under this Pension Fund and under all other defined benefit plans of the City do not

exceed ten thousand dollars ($10,000) during the current limitation year or any prior limitation year, and the Member has not at any time participated in a defined contribution plan maintained by the City. The dollar limitation provided in this paragraph shall be adjusted effective as of January 1st of each calendar year for cost-of-living increases in accordance with the regulations promulgated under Section 415 of the Internal Revenue Code of 1954, and the adjusted dollar limitation shall apply to the limitation year ending with or within that calendar year.

For purposes of this paragraph, 'compensation' shall mean the total wages, salary, and other remuneration paid by the City to a Member for personal services actually rendered in the course of employment as described in Treasury Regulation Section 1.415-2(d).

The following adjustments shall be made in the limitations set forth in this subdivision:

a. If payments begin before age 62, the dollar limitation shall be adjusted, in accordance with regulations prescribed by the Secretary of the Treasury or his delegate, to be the equivalent of the dollar limitation set forth in this paragraph on the basis of reasonable actuarial assumptions with the interest rate assumption being five percent (5%). Provided, that such adjustment shall not produce a dollar limitation of less than seventy-five thousand dollars ($75,000) for any benefits beginning at or after age 55; or, if the pension begins before age 55, such adjustment shall not produce a dollar limitation of less than the equivalent of a benefit of seventy-five thousand dollars ($75,000) beginning at age 55.

b. If payments begin after age 65, the dollar limitation shall be adjusted, in accordance with regulations prescribed by the Secretary of the Treasury or his delegate, to be the equivalent of the dollar limitation set forth in this paragraph on the basis of reasonable actuarial assumptions, with the interest rate assumption being five percent (5%).

c. If a pension is payable in a form other than a single life annuity, the pension shall be converted to a single life annuity for purposes of applying the limits of this paragraph. The amount of the single life annuity determined for this purpose shall be the actuarial equivalent of such pension, and shall be determined in accordance with regulations prescribed by the Secretary of the Treasury or his delegate on the basis of reasonable actuarial assumptions, with the interest rate assumption being five percent (5%).

If a Member has less than 10 years of service, the limitation otherwise applicable under this paragraph shall be computed by multiplying the limitation by a fraction, the numerator of which is the Member's years of service and the denominator of which is 10.

If a Member of the Pension Fund is also a Member under a defined contribution plan sponsored by the City, the 'annual additions' to his Individual Account under such defined contribution plan will be reduced to the extent necessary to prevent the sum of the 'defined benefit plan fraction' and the 'defined contribution plan fraction', computed as of the close of the limitation year, from exceeding 1.0.

For purposes of determining this limitation, the 'defined benefit plan fraction' is a fraction, the numerator of which is the Member's projected Normal Retirement Benefit under this Pension Fund payable in the form of a straight life annuity and expressed as an annual pension (determined as of the close of the limitation year), and the denominator of which is the lesser of (i) the product of 1.25 times the dollar limitation in effect under Section 415(b)(1)(A) of the Internal Revenue Code of 1954 for such year, or (ii) the product of 1.4 times one hundred percent (100%) of his average compensation for the three consecutive limitation years during which he was an active Member in the Pension Fund and had the greatest compensation from the City.

For purposes of determining this limitation, the 'defined contribution plan fraction' is a fraction, the numerator of which is the sum of the 'annual additions' to the Member's Individual Account under the defined contribution plan for the current limitation year and for all prior limitation years, and the denominator of which is the sum of the lesser of the following amounts determined for the current limitation year and for all prior limitation years: (i) the product of 1.25 times the dollar limitation in effect under Section 415(c)(1)(A) of the Internal Revenue Code of 1954 for such year, or (ii) the product of 1.4 times twenty-five percent (25%) of compensation for such year. The words 'annual additions' are defined in Section 415(c)(2) of the Internal Revenue Code of 1954.

Notwithstanding anything in this section to the contrary:

d. If for the last limitation year beginning prior to January 1, 1983, the sum of the 'defined benefit plan fraction' and the 'defined contribution plan fraction' shall exceed 1.0, the numerator of the 'defined contribution plan fraction' shall be decreased to the extent necessary to reduce the sum of said fractions to 1.0.

e. In lieu of using the 'defined contribution plan fraction', if the Pension Fund has been in effect for one or more limitation years ending prior to January 1, 1983, the Pension Board may in computing the denominator of said 'defined contribution plan fraction' elect to apply a 'transition fraction' for each limitation year ending after December 31, 1982; and in such event, the amount to be taken into account as the denominator of the 'defined contribution plan fraction' for all limitation years ending before January 1, 1983, shall be an amount equal to the product of the sum of the maximum 'annual additions' allowable by law for each limitation year through the limitation year ending in 1982 multiplied by the 'transition fraction' instead of the denominator determined in accordance with the provisions of the preceding paragraph. The 'transition fraction' is a fraction, the numerator of which is the lesser of (i) fifty-one thousand eight hundred seventy-five dollars ($51,875) or (ii) the product of 1.4 times twenty-five percent (25%) of the compensation of the Member for the limitation year ending in 1981; and the denominator of which is the lesser of (i) forty-one thousand five hundred dollars ($41,500) or (ii) twenty-five percent (25%) of the compensation of the Member for the limitation year ending in 1981.

For purposes of applying the rules of this paragraph, the following provisions shall apply: (i) all defined benefit plans of the City shall be considered as a single plan, and all defined contribution plans of the City shall be considered as a single plan; and (ii) all entities, whether or not incorporated, required to be aggregated under the provisions of Section 414(b), (c), or (m) of the Internal Revenue Code of 1954 shall be considered to be a single employer.

If the City maintains more than one defined benefit plan, Section 415(b)(1)(B) of the Internal Revenue Code of 1954 which limits the annual benefit to which a Member is entitled to one hundred percent (100%) of his average compensation for his high three years, shall be applied separately with respect to each such plan, but in applying such limitation to the aggregate of such defined benefit plans, the high three years of compensation taken into account shall be the period of consecutive limitation years during which an individual had the greatest aggregate compensation from the City."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. None of the provisions of this act shall create a liability for the Wilmington Police Pension Fund unless sufficient current assets are available in the Fund to pay fully for the liability.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 583 **CHAPTER 534**

AN ACT TO GIVE THE CITY OF WILMINGTON AUTHORITY TO ABOLISH THE PENSION FUND FOR POLICE OFFICERS FOR THE CITY OF WILMINGTON.

The General Assembly of North Carolina enacts:

Section 1. The City Council of the City of Wilmington is hereby authorized to abolish the Police Pension Fund of Wilmington, North Carolina, established by Chapter 55 of the 1915 Private Laws of North Carolina, as amended, upon the following conditions:

(a) That the City of Wilmington transfer the assets, the active employees, and all those receiving benefits under this fund to the North Carolina Local Governmental Employees' Retirement System, and

(b) That at least sixty percent (60%) of the members of this fund, defined as those employees actively contributing to the fund or retired and receiving benefits under the fund, vote in the affirmative for said transfer.

Sec. 2. All laws and clauses of laws in conflict herewith, to the extent of such conflict, shall be inapplicable to the City of Wilmington, except that in no event shall any person have concurrent membership service with the Local Governmental Employees' Retirement System and the Law Enforcement Officers' Retirement System on account of this act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 590 **CHAPTER 535**

AN ACT TO CLARIFY CERTAIN EXEMPTIONS FROM LICENSING, TO AUTHORIZE THE REAL ESTATE COMMISSION TO INCREASE CERTAIN FEES, AND TO INTRODUCE A STAGGERED RENEWAL SYSTEM FOR LICENSEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 93A-2(c)(6) is amended by deleting the word "residential" each time it appears.

Sec. 2. The last sentence of G.S. 93A-4(a) is amended by deleting "twenty dollars ($20.00)" and substituting "thirty dollars ($30.00)".

Sec. 3. The first two sentences of G.S. 93A-4(c) are rewritten to read:

"(c) All licenses issued by the Commission under the provisions of this Chapter shall expire on the 30th day of June following issuance or on any other date that the Commission may determine and shall become invalid after that date unless reinstated. A license may be renewed 45 days prior to the expiration date by filing an application with and paying to the Executive Director of the Commission the fee required by the Commission, which may not exceed twenty-five dollars ($25.00). The Commission may adopt rules establishing a system of license renewal in which the licenses expire annually with varying expiration dates. These rules shall provide for prorating the annual fee to cover the initial renewal period so that no licensee shall be charged an amount greater than the annual fee for any 12-month period."

Sec. 4. The last sentence of G.S. 93A-4(c) is amended by deleting "one dollar ($1.00)" and substituting "five dollars ($5.00)".

Sec. 5. G.S. 93A-4(c) is amended by adding a new sentence at the end to read: "Commission certification of a licensee's license history shall be made only after the payment of a fee of ten dollars ($10.00)."

Sec. 6. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 677 **CHAPTER 536**

AN ACT TO ALLOW THE TOWNS OF KILL DEVIL HILLS, KITTY HAWK, MANTEO, NAGS HEAD, AND SOUTHERN SHORES TO IMPOSE FACILITY FEES.

The General Assembly of North Carolina enacts:

Section 1. Purpose. It is the purpose of this act to place an equitable share of the cost of providing new community service facilities upon all new inhabitants and upon those associated with the development process.

Sec. 2. Definitions. The following definitions apply in this act, unless the context clearly requires otherwise:

(1) "Capital costs" means costs spent for developing community service facilities; such costs are limited to Capital Outlay items listed in the "Uniform Local Government Accounting Systems" procedural manual prepared by the North Carolina Local Government Commission.

(2) "Community service facilities" means the following public facilities or improvements provided or established by the local government or in conjunction with other units of government: streets and drainage projects, open space and water access projects, emergency refuge shelters, and fire department capital improvements.

(3) "Developer" means an individual, corporation, partnership, organization, association, firm, political subdivision, or other legal entity constructing or creating new construction.

(4) "Facility fee" means the charge imposed upon new construction pursuant to the grant of regulatory authority contained herein.

(5) "New construction" means any new development, construction, or installation that results in real property improvement or that requires any building permit, certification, or other action permitting real property improvement. The term includes the installation of a mobile home or factory-built or modular housing. The term does not include fences, billboards, poles, pipelines, transmission lines, advertising signs, or similar structures and improvements that do not generate the need for additional or expanded community facilities upon completion of the additions or improvements.

Sec. 3. Subject to the conditions hereinafter set forth, a town that adopts an ordinance or ordinances shall have the right, power, and authority to impose and collect a regulatory fee defined herein as a facility fee on all new construction within its town limits and extraterritorial jurisdiction.

Sec. 4. (a) No facility fee shall be imposed until the town governing board has caused to be prepared a report containing:

(1) A description of the anticipated capital costs to the town of each additional or expanded community service facility generated by new construction;

(2) A description of the relevant characteristics of construction that give rise to additional or expanded community service facilities such as population, trip generation, stormwater runoff, and flow characteristics; and

(3) A plan for providing one or more of the community service facilities has been prepared.

(b) Before adopting or amending any facility fee ordinance authorized by this act, the town governing board shall hold a public hearing on it. A notice of the public hearing shall be given so as to conform with G.S. 160A-364, as it may be amended from time to time. No facility fee ordinance shall be adopted or amended without first giving the planning board a reasonable opportunity to make comments and recommendations to the town governing board.

(c) The amount of each facility fee imposed and collected shall be based upon reasonable and uniform considerations of capital costs to be incurred by the town as a result of new construction. The facility fee must bear a direct relationship to additional or expanded public capital costs of the community service facilities to be rendered for the inhabitants, occupants of the new construction, or those associated with the development process.

(d) The amount of each facility fee shall be based on quantified needs and specific classifications and rates, which shall be uniformly applied to all members of a class; however, the fees may differ within service areas and zones depending on the special needs and costs for community service facilities in those areas or zones. To the extent that the developer installs, according to municipal plans and specifications, and dedicates capital assets for which the fee was intended and which immediately become the property of the government and are not otherwise reimbursed by the government, the facility fee shall be reduced by the documented actual cash value not to exceed the fee chargeable for the specific facility. The facility fee shall be imposed only for those community service facilities that the town provides independently or that it provides in conjunction with other units of government, and it may not exceed the public cost of providing the additional community service facility.

(e) Monies for each particular facility for which a facility fee is collected shall be placed in a separate trust fund. All such revenues shall be spent for the capital facilities for which they were collected, and such benefits shall not be exclusive. Separate service areas and zones with separate trust funds may be established to satisfy this requirement. Facility fees shall be spent for those community service facilities the town alone provides within six years after collection of the fees, and shall be spent for those community service facilities the town provides in conjunction with other units of government within 10 years of collection of the fees.

Sec. 5. A cause of action as to the validity of any facility fee adopted under this act shall be brought within 90 days after its collection.

Sec. 6. The town is authorized to enact ordinances, resolutions, rules and regulations that are necessary or expedient to carry this act into execution and effect.

Sec. 7. The powers conferred in this act shall be supplementary to all other powers and procedures authorized by any other general or local law. Assessments, charges, fees, or rates authorized by any other general or local law are not affected by this act.

Sec. 8. This act applies to the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores only.

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 698 **CHAPTER 537**

AN ACT TO IMPROVE THE ADMINISTRATION OF JUSTICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1232 is rewritten to read as follows:

"In instructing the jury, the judge shall not express an opinion as to whether or not a fact has been proved and shall not be required to state, summarize or recapitulate the evidence, or to explain the application of the law to the evidence."

Sec. 2. G.S. 1A-1, Rule 51(a) is rewritten to read as follows:

"In charging the jury in any action governed by these rules, a judge shall not give an opinion as to whether or not a fact is fully or sufficiently proved and shall not be required to state, summarize or recapitulate the evidence, or to explain the application of the law to the evidence. If the judge undertakes to state the contentions of the parties, he shall give equal stress to the contentions of each party."

Sec. 3. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 749 **CHAPTER 538**

AN ACT TO CLARIFY CHAPTER 36A REGARDING THE INVESTMENT BY A TRUSTEE IN UNITED STATES GOVERNMENT OBLIGATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 36A-3 is amended by adding at the end a new subsection (c) to read:

"(c) Whenever a fiduciary holding funds for investment is directed, required, authorized, or permitted by an instrument creating the fiduciary relationship to invest in United States government obligations, the fiduciary may, in the absence of an express prohibition in the instrument, invest in and hold such obligations either directly or in the form of interests in a money market mutual fund registered under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1, *et seq.*, as from time to time amended, the portfolio of which is limited to United States government obligations and repurchase agreements fully collateralized thereby."

Sec. 2. This act shall become effective October 1, 1985, and applies to such instruments whether created before or after October 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 906 **CHAPTER 539**

AN ACT TO EXTEND THE TIME A MEMBER HAS TO MAKE CONTRIBUTIONS TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND TO THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR THE PURCHASE OF SERVICE CREDITS FOR EDUCATIONAL LEAVE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-30(b)(4) and G.S. 135-8(b)(5) are amended by rewriting the second sentence of the first paragraph to read:

"This approval shall be made prior to the purchase of the creditable service, is limited to a career total of four years for each member, and may be obtained in the following manner:".

Sec. 2. G.S. 128-30(b)(4) and G.S. 135-8(b)(5) are further amended by rewriting the last paragraph to read:

"Payments required to be made by the member and/or the employer under subparagraphs a or b are due by the 15th of the month following the month for which the service credit is allowed and payments made after the due date shall be assessed a penalty, in lieu of interest, of one percent (1%) per month or fraction thereof the payment is made beyond the due date; provided, that these payments shall be made prior to retirement and provided further, that if the member did not become a contributing member within 12 months after completing the educational program and failed to complete three years of subsequent membership service, except in the event of death or disability, any payment made by the member including penalty shall be refunded with regular interest thereon and the service credits cancelled prior to or at retirement."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 1029 **CHAPTER 540**

AN ACT TO VEST PROPERTY RIGHTS UPON THE ISSUANCE OF A BUILDING PERMIT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-344 is amended by designating the existing language as subsection (a) and adding a new subsection (b) to read as follows:

"(b) Amendments, modifications, supplements, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforceable without consent of the owner with regard to lots for which building permits have been issued pursuant to G.S. 153A-357 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 153A-358 and unrevoked pursuant to G.S. 153A-362."

Sec. 2. G.S. 160A-385 is amended by designating the existing language as subsection (a) and adding a new subsection (b) to read as follows:

"(b) Amendments, modifications, supplements, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforceable without consent of the owner with regard to lots for which building permits have been issued pursuant to G.S. 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422."

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 1070 **CHAPTER 541**

AN ACT TO AMEND G.S. 42-14 FOR CERTAIN TENANCIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 42-14 is amended by adding a new sentence at the end to read:

"Provided, however, where the tenancy involves only the rental of a space for a manufactured home as defined in G.S. 143-143.9(6), a notice to quit must be given at least 30 days before the end of the current rental period, regardless of the term of the tenancy."

Sec. 2. This act is effective upon ratification and shall apply only to leases entered into after that date.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 1113 **CHAPTER 542**

AN ACT TO MODERNIZE THE MUTUAL ASSOCIATION ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 54-111 is amended in the first sentence by inserting before the phrase "on the mutual plan" the phrase "or for any other lawful purpose,".

Sec. 2. G.S. 54-113 is amended in the third sentence by deleting the word "subscribed" and substituting the word "authorized".

Sec. 3. G.S. 54-117 is amended in the first sentence by inserting after the phrase "corporation law" the phrase "or general non-profit corporation law".

Sec. 4. G.S. 54-118 is amended in the first sentence by deleting the phrase "under prior statutes" and substituting the phrase "under other incorporation statutes".

Sec. 5. G.S. 54-124 is amended by inserting before the phrase "on the mutual plan" the phrase "or conduct any other lawful business,".

Sec. 6. G.S. 54-126 is rewritten to read:

"§ 54-126. *Apportionment of earnings.*—The net earnings or losses shall be apportioned among the members in accordance with the ratio which each member's patronage during the period involved bears to total patronage by all members during the period. 'Patronage' means amount of purchases, sales, business, labor, wages or other similar criteria."

Sec. 7. G.S. 54-127 is amended as follows:

(1) by rewriting the catchline to read "Time of Allocation"; and

(2) by deleting the word "distributed" and substituting the word "allocated".

Sec. 8. G.S. 54-139(b) is amended by inserting after the phrase "G.S. 117-28," the phrase "or an organization created under or governed by Subchapter IV of Chapter 54 of the General Statutes,".

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 1333 **CHAPTER 543**

AN ACT TO ESTABLISH THE NORTH CAROLINA EMPLOYMENT AND TRAINING ACT.

The General Assembly of North Carolina enacts:

Section 1. Title. This act shall be known as the North Carolina Employment and Training Act of 1985.

Sec. 2. Purpose. The purpose of this act is to develop a comprehensive State policy to guide the use of employment, training, education and economic development funds, and other resources toward the achievement of State economic and employment goals by:

(1) articulating and clarifying the State's policy and goals with regard to employment and training; and

(2) providing for legislative review and comment on certain reports, plans and recommendations.

Sec. 3. Declaration of the State policy on employment and training.

(a) It is the policy of this State that all federal, State and local government resources provided for employment and job training programs be coordinated to effect an efficient employment and training service delivery system.

(b) The goals of the State employment and training programs are:

(1) to assist North Carolinians in obtaining gainful employment;

(2) to reduce dependence upon public assistance and unemployment insurance programs;

(3) to develop a well trained, productive work force that meets the needs of the State's changing economy; and

(4) to make maximum use of existing institutions and organizations with demonstrated effectiveness in employment and training service delivery.

(c) The State's goals shall be accomplished by:

(1) preparing economically disadvantaged unskilled youth and adults for entry into the work force;

(2) retraining people who are structurally unemployed, who are jobless through no fault of their own, or who must upgrade or retrain for job skills in other fields;

(3) providing training and services to increase the employment of the handicapped;

(4) insuring that timely and accurate statewide labor market data are available;

(5) linking employment and training services with economic development efforts;

(6) providing employment and training opportunities to meet the needs of industries utilizing advanced technology; and

(7) avoiding unnecessary duplication of employment and training services by State agencies.

Sec. 4. Coordinating Council. (a) The State Job Training Coordinating Council is established within the Department of Natural Resources and Community Development.

(b) Operating funds and staff for the Council shall be supported with funds from the Job Training Partnership Act.

(c) Adequate office space shall be provided by the Department of Natural Resources and Community Development.

(d) The initial staffing level of the Council and the level of funding support required shall be determined by the Secretary of Natural Resources and Community Development. However, the initial staffing level shall not exceed 10 personnel as may be necessary to carry out its functions under this act and the Job Training Partnership Act.

(e) Duties and responsibilities of the Council include but shall not be limited to the following:

(1) overseeing the meeting of the State's goals for employment and training.

(2) continuously reviewing the plans and programs of agencies operating federally funded programs related to employment and training and of other agencies providing employment and training-related services in the State that may be funded with State funds.

(3) conducting studies, preparing reports and analyses, including an annual published report to the Governor and General Assembly, and providing such advisory services as may be authorized or directed by the Governor.

(4) recommending the allocation of Job Training Partnership Act funds not subject to the seventy-eight percent (78%) that flows directly to service delivery areas.

(5) recommending program goals to insure job training for unskilled youth and adults is a matter of the highest priority and encouraging Service Delivery Areas (SDA's) to reflect these goals in their SDA plans.

(6) developing a long term tracking system to measure the effectiveness of the Job Training Partnership Act with respect to permanent job placements. Such a tracking system shall not be less than one year and shall be implemented by July 1, 1986.

(7) insuring compliance with the provisions of Sections 122(b)(7) A and B and 122(b)(8) of the Job Training Partnership Act no later than May 30 of every year, requiring the following:

a. identification of employment and training and vocational education needs throughout the State;

b. assessing the extent to which existing programs are meeting these needs;

c. commenting on reports required by Sections 105(d)(3) of the Vocational Education Act of 1963 and making appropriate recommendations to the Governor and General Assembly.

(8) annually measuring the increase in employment and earnings and the reductions in welfare dependency by SDA resulting from participating in the Job Training Partnership Act program and reporting those findings to the Governor and General Assembly.

(9) annually reporting to the Governor and General Assembly on funds expended by each SDA for job training services and the reason service providers were chosen.

(10) providing management guidance and review of all State administered employment and training programs and encouraging compliance by the SDA's with the goals and purposes outlined by the General Assembly, the Governor, and the State Council.

(11) insuring that service delivery area plans are submitted to the General Assembly within 30 days after received by the Council as prescribed in Section 105(a)(1) A and B of Public Law 97-300.

(12) obtaining other information from recipients of Job Training Partnership Act funds, as requested by the Governor and General Assembly.

(f) The State Job Training Coordinating Council:

(1) shall be appointed by the Governor in a manner consistent with Section 122 of Public Law 97-300.

(2) shall meet at the call of the chairman. A majority of the Council shall constitute a quorum for the transaction of business. Members shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5, 138-6 or 120-3.1, as the case may be.

(3) The Council shall have a standing committee to be known as the Job Training Interagency Committee. The members of the committee shall be the Secretaries of Natural Resources and Community Development and Commerce, the President of the Department of Community Colleges, the Commissioner of Labor, and the Superintendent of Public Instruction or their designees. This Committee shall jointly develop and implement a plan to integrate the Job Training Partnership Act program and participants into the economic development efforts of the State. Such a plan shall make maximum use of customized training and on-the-job training efforts of existing, new, or expanding businesses. This plan shall be developed and implemented no later than February 1, 1986. A copy of the plan shall be submitted to the President of the North Carolina Senate and the Speaker of the North Carolina House of Representatives no later than December 15, 1985. In addition, the Joint Legislative Commission on Governmental Operations shall review the plan prior to implementation and offer suggested changes.

(4) The Council may create such committees as may be necessary to the proper conduct of its business. The Governor may establish such additional advisory bodies, in accordance with existing law, related to employment and training as may be necessary and appropriate to the conduct of federally supported employment and training-related programs.

Sec. 5. Plan. The Governor's Coordination and Special Services Plan shall comply with the provisions of Section 121 of the Job Training Partnership Act and shall mandate the coordination of all federal and State employment and training programs that guide the use of employment training, education, economic development and other resources toward achievement of State economic and employment goals. In addition, the plan shall also include the following:

(1) provisions for the design, development, and operation of a statewide uniform labor market information system to effect the timely availability of employment and training information throughout the State;

(2) provisions for the coordination and improvement of a statewide management information system capable of producing periodic financial reports and statistics on participants and program performance for use by service delivery areas; and

(3) provisions that require the utilization of existing institutions and organizations with clearly demonstrated success rates in employment and training.

Sec. 6. G.S. 143B-340 and G.S. 143B-341 are repealed.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 349 **CHAPTER 544**

AN ACT TO PERMIT CERTAIN MUNICIPALITIES TO EXCLUDE ONLY VOLUNTEER FIREMEN FROM OSHA COVERAGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-148 is amended by rewriting the seventh paragraph to read:

"Any municipality with a population of 10,000 or less may exclude its fire department from the operation of this section by a resolution of the governing body of the municipality, except that the resolution may not exclude those firefighters who are employees of the municipality."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 420 **CHAPTER 545**

AN ACT CREATING THE CRIMINAL OFFENSE OF FELONIOUS RESTRAINT.

The General Assembly of North Carolina enacts:

Section 1. Article 10 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-43.3. *Felonious restraint.*—A person commits the offense of felonious restraint if he unlawfully restrains another person without that person's consent, or the consent of the person's parent or legal custodian if the person is less than 16 years old, and moves the person from the place of the initial restraint by transporting him in a motor vehicle or other conveyance. Violation of this section is a Class J felony. Felonious restraint is considered a lesser included offense of kidnapping."

Sec. 2. This act shall become effective October 1, 1985, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 270 **CHAPTER 546**

AN ACT TO MAKE CLEAR THAT REQUESTS FOR ADMISSIONS MUST BE FILED WITH THE CLERK OF COURT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 5(d) is amended in the second sentence by adding between the words "party" and "shall" the following words and punctuation: ", including requests for admissions,".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 416 **CHAPTER 547**

AN ACT TO STRENGTHEN THE RAPE SHIELD EVIDENCE RULE BY MAKING IT CLEAR THAT IT APPLIES TO ALL OFFENSES BEING TRIED AT THE SAME TIME AS THE RAPE OR SEX OFFENSE CHARGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 8C-1, Rule 412(d) is amended by rewriting the first sentence of that subsection to read:

"Notwithstanding any other provision of law, unless and until the court determines that evidence of sexual behavior is relevant under subdivision (b), no reference to this behavior may be made in the presence of the jury and no evidence of this behavior may be introduced at any time during the trial of:

(1) A charge of rape or a lesser included offense of rape;

(2) A charge of a sex offense or a lesser included offense of a sex offense; or

(3) An offense being tried jointly with a charge of rape or a sex offense, or with a lesser included offense of rape or a sex offense."

Sec. 2. This act shall become effective October 1, 1985, and shall apply to trials beginning on or after that date.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 440 **CHAPTER 548**

AN ACT AUTHORIZING LAW ENFORCEMENT OFFICERS TO ARREST, WITHOUT WARRANTS, PERSONS SUSPECTED OF SHOPLIFTING OR SWITCHING PRICE TAGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-401(b)(2)b. is amended by deleting the period at the end of subpart b.2. of that subdivision and substituting the word and punctuation "; or", and by adding a new subpart to read:

"c. Has committed a misdemeanor under G.S. 14-72.1."

Sec. 2. This act shall become effective October 1, 1985, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 599 **CHAPTER 549**

AN ACT TO AMEND CHAPTER 36A OF THE GENERAL STATUTES REGARDING INVESTMENTS IN SECURITIES BY BANKS OR TRUST COMPANIES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 36A of the General Statutes is amended by adding a new section as follows:

"§ 36A-66.1. *Investments in securities by banks or trust companies.*—Unless the governing instrument, court order, or a statute specifically directs otherwise, a bank or trust company serving as trustee, guardian, agent, or in any other fiduciary capacity may invest in any security authorized by this Chapter even if such fiduciary or an affiliate thereof, as defined in G.S. 36A-60(1), participates or has participated as a member of a syndicate underwriting such security, if:

(1) The fiduciary does not purchase the security from itself or its affiliate; and

(2) The fiduciary does not purchase the security from another syndicate member or an affiliate, pursuant to an implied or express agreement between the fiduciary or its affiliate and a selling member or its affiliate, to purchase all or part of each other's underwriting commitments."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 645 **CHAPTER 550**

AN ACT TO AUTHORIZE THE USE OF COMMERCIAL WATER TREATMENT OPERATION FIRMS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90A of the General Statutes is amended by adding a new section to read:

"§ 90A-31. *Commercial water treatment operation firms.*—(a) Every person, firm, or corporation, municipal or private, owning or having control of a water treatment works may contract with a responsible commercial water treatment works operation firm for operational and other services of that firm, and that firm shall designate an employee as the operator in responsible charge. This designee and other licensed employees of the firm shall be responsible for the total operation and maintenance of the water treatment works. Contractual firms shall not be limited as to the number of facilities, distance between facilities,

location of office or residence, frequency of visits, utilization of local persons who are not certified, or other internal management procedures.

(b) Any employee designated by the firm as operator in responsible charge shall obtain certification from the Water Treatment Facility Operators Board of Certification and shall comply with all of the requirements specified in Chapter 90A and the rules and reasonable standards of the Board, applicable to all operators in responsible charge, designed to assure satisfactory operation of water treatment facilities."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 831 **CHAPTER 551**

AN ACT TO PROVIDE FOR REGULATION OF UNDERGROUND STORAGE TANKS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-282(2) is amended by adding a new subparagraph to read:

"h. For governing the registration, construction, installation, monitoring, repair, closure, financial responsibility, and leaks of underground tanks used for the storage of hazardous substances or oil pursuant to Article 21 or Article 21A of Chapter 143 of the General Statutes."

Sec. 2. G.S. 143-215.3(a) is amended by adding a new subdivision to read:

"(15) To develop and adopt standards and regulations necessary to implement programs to prevent pollution from underground tanks containing oil or hazardous substances, in accordance with those requirements made mandatory upon approved State programs by federal agencies administering the Resource Conservation and Recovery Act, as amended, including the Hazardous and Solid Waste Amendments of 1984."

Sec. 3. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 567 **CHAPTER 552**

AN ACT TO REMOVE OBSOLETE PROVISIONS AND TO MAKE TECHNICAL, CLARIFYING, AND OTHER AMENDMENTS TO THE EMPLOYMENT SECURITY LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-8(5)c. is repealed.

Sec. 2. G.S. 96-8(5)g. is repealed.

Sec. 3. G.S. 96-8(5)i. is repealed.

Sec. 4. G.S. 96-8(13) is amended by adding a new subdivision (d) to read as follows:

"(d) Wages shall not include the amount of any payment, including any amount paid into a fund to provide for such payment, made to, or on behalf of, an employee under a plan or system established by an employer or others which makes provision for employees generally, or for a class or group of employees, for the purpose of supplementing unemployment benefits, provided that the plan has been approved by the Commission under such reasonable regulations as it shall promulgate."

Sec. 5. G.S. 96-9(a)(4) is amended by deleting the phrase "G.S. 96-9(d)" and substituting the phrase "G.S. 96-9(f)".

Sec. 6. G.S. 96-9(a)(5) is amended in the second and third paragraphs by deleting the phrase "the FUTA" each time it appears and substituting the phrase "this State's".

Sec. 7. G.S. 96-9(b)(2)c is amended in the second paragraph by deleting the word "solely" and substituting the phrase "in whole or in part".

Sec. 8. G.S. 96-11(d) is amended by rewriting the first sentence to read:

"An employer who has not paid any covered wages for a period of two consecutive calendar years shall cease to be an employer subject to this Chapter."

Sec. 9. G.S. 96-12(c) is amended by adding a new sentence at the end to read:

"The computation of the partial weekly benefit shall be made without regard to any benefits received by the claimant under a supplemental benefit plan referred to in G.S. 96-8(13)(d)."

Sec. 10. G.S. 96-13(a)(3) is amended in the first proviso by inserting after the words "Provided that" the phrase: ", unless temporarily excused by Commission regulations,".

Sec. 11. G.S. 96-13 is amended by adding at the end a new subsection to read:

"(g)(1) Except as herein provided, no individual shall be eligible for benefits for any week during any part of which the Commission finds that work was not available to the individual because he had been placed on a bona fide disciplinary suspension by his employer. To be bona fide, a disciplinary suspension must be based on acts or omissions which constitute fault on the part of the employee and are connected with the work but such acts or omissions need not alone be disqualifying under G.S. 96-14.

(2) Ineligibility pursuant to the preceding paragraph based on a single disciplinary suspension shall not be imposed for any claims week beginning after the tenth consecutive calendar day of the suspension. If at the time a claim is filed for such a week the individual is still so suspended, the individual shall be deemed to have been discharged from his work because of all the acts or omissions that caused his suspension and the issue of whether that discharge was for disqualifying reasons under G.S. 96-14 shall then be adjudicated pursuant to G.S. 96-15.

(3) Any individual who files a claim for benefits for a week with respect to which he is ineligible under this subsection is deemed to be attached to his employer's payroll and any issue concerning separation from work that may be present under G.S. 96-14 shall be held in abeyance

until such time as a claim is filed for a week to which this subsection does not apply."

Sec. 12. G.S. 96-14(1) is amended by adding at the end of that subsection three new paragraphs to read:

"Where an individual leaves work due solely to a disability incurred or other health condition, whether or not related to the work, his leaving shall be considered an involuntary leaving for health reasons if the individual shows:

a. That, at the time of leaving, an adequate disability or health condition, either medically diagnosed or otherwise shown by competent evidence, existed to justify the leaving and prevented the employee from doing other alternative work offered by the employer which pays the minimum wage or eighty-five percent (85%) of the individual's regular wage, whichever is greater; and

b. That, at a reasonable time prior to leaving, the individual gave the employer notice of the disability or health condition.

Where an employer notifies an employee that such employee will be separated on some definite future date for lack of available work, the impending separation does not constitute good cause for quitting that employment, provided that if the individual quits because of the impending separation and shows to the satisfaction of the Commission that it was impracticable or unduly burdensome for the individual to work until the announced separation date, the period of disqualification imposed under this subsection (l) shall be reduced to the greater of four weeks or the period running from the beginning of the week during which application for benefits was made until the end of the week of the announced separation date.

An employer's placing an individual on a bona fide disciplinary suspension of 10 or fewer consecutive calendar days shall not constitute good cause for leaving work."

Sec. 13. G.S. 96-9(c)(2)b is amended in the first paragraph by deleting the phrase "or," that appears immediately after the phrase "G.S. 96-14;" is further amended in clause (iv) by deleting the phrase "60 days" and substituting the phrase "100 days"; and is further amended by inserting after the phrase "such probationary employment" the phrase "; (v) separations made disqualifying under G.S. 96-14(2B) and (6A); or (vi) separation due to involuntary leaving for disability or health condition".

Sec. 14. G.S. 96-14(2A)(2) is amended in the second sentence by deleting the phrase "nonintentional mistakes" and substituting the phrase "inadvertent mistakes".

Sec. 15. G.S. 96-14 is amended by adding after subsection (2A) a new subsection (2B) to read:

"(2B) For the duration of his unemployment beginning with the first day of the first week during which or after the disqualifying act occurs with respect to which week an individual files a claim for benefits if it is determined by the Commission that the individual is, at the time such claim is filed, unemployed because the individual has been discharged from employment because a license, certificate, permit, bond, or surety that is necessary for the performance of his employment and that the individual is responsible to supply has been revoked, suspended, or otherwise lost to

him, or his application therefor has been denied for a cause that was within his power to control, guard against, or prevent."

Sec. 16. G.S. 96-14 is amended by adding a new subsection (6A) to read as follows:

"(6A) For the duration of his unemployment beginning with the first day of the first week during which or after the disqualifying act occurs with respect to which week an individual files a claim for benefits if it is determined by the Commission that the individual is, at the time the claim is filed, unemployed because the individual's ownership share of the employing entity was voluntarily sold and, at the time of the sale:

a. The employing entity was a corporation and the individual held five percent (5%) or more of the outstanding shares of the voting stock of the corporation;
b. The employing entity was a partnership, limited or general, and the individual was a limited or general partner; or
c. The employing entity was a proprietorship, and the individual was a proprietor."

Sec. 17. G.S. 96-14(10) is amended by deleting the phrase "(2), (3) or (4)" and substituting the phrase "(2), (2B), (3), (4), or (6A)"; and by adding immediately before the last paragraph a new paragraph to read:

"Any disqualification imposed by the provisions of subsection (2A) may be removed as provided by this subsection."

Sec. 18. G.S. 96-15(c) is amended by inserting after the first sentence the following:

"The conduct of hearings shall be governed by suitable regulations established by the Commission. Such regulations need not conform to common law or statutory rules of evidence or technical or formal rules of procedure but shall provide for the conduct of hearings in such manner as to ascertain the substantial rights of the parties. The hearings may be conducted by conference telephone call or other similar means provided that if any party files with the Commission prior written objection to the telephone procedure, that party will be afforded an opportunity for an in-person hearing at such place in the State as the Commission by regulation shall provide."

Sec. 19. G.S. 96-15(f) is amended in the last sentence by inserting immediately after the word "appealed" the following: "and, one or more of the parties objects, under such regulations as the Commission may prescribe, to being provided a copy of the tape recording of the hearing. Any other provisions of this Chapter notwithstanding, any party receiving the transcript shall pay to the Commission such reasonable fee for the transcript as the Commission may by regulation provide. The fee so prescribed by the Commission shall not exceed the lesser of twenty-five cents (25¢) per page or thirty-five dollars ($35.00) per transcript. The Commission may by regulation provide for the fee to be waived in such circumstances as it in its sole discretion deems appropriate but in the case of an appeal in *forma pauperis* supported by such proofs as are required in G.S. 1-110, the Commission shall waive the fee".

Sec. 20. G.S. 96-15(h) and (i) are rewritten to read:

"(h) Judicial Review. Any decision of the Commission, in the absence of Judicial Review as herein provided, shall become final 30 days after the

date of notification or mailing thereof, whichever is earlier. Judicial review shall be permitted only after a party claiming to be aggrieved by the decision has exhausted his remedies before the Commission as provided in this Chapter and has filed a petition for review in the superior court of the county in which he resides or has his principal place of business. The petition for review shall explicitly state what exceptions are taken to the decision or procedure of the Commission and what relief the petitioner seeks. Within 10 days after the petition is filed with the court, the petitioner shall serve copies of the petition by personal service or by certified mail, return receipt requested, upon the Commission and upon all parties of record to the Commission proceedings. Names and addresses of the parties shall be furnished to the petitioner by the Commission upon request. The Commission shall be deemed to be a party to any judicial action involving any of its decisions and may be represented in the judicial action by any qualified attorney who has been designated by it for that purpose. Upon motion of the Commission, the court shall dismiss any review for which the petition is untimely filed, untimely or improperly served, or for which it otherwise fails to comply with the requirements of this subsection. Any party to the Commission proceeding may become a party to the review proceeding by notifying the court within 10 days after receipt of the copy of the petition. Any person aggrieved may petition to become a party by filing a motion to intervene as provided in G.S. 1A-1, Rule 24.

Within 45 days after receipt of the copy of the petition for review or within such additional time as the court may allow, the Commission shall transmit to the reviewing court the original or a certified copy of the entire record of the proceedings under review. With the permission of the court the record may be shortened by stipulation of all parties to the review proceedings. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for such additional cost as is occasioned by the refusal. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(i) Review Proceedings. If a timely petition for review has been filed and served as provided in G.S. 96-15(h), the court may make party defendant any other party it deems necessary or proper to a just and fair determination of the case. The Commission may, in its discretion, certify to the reviewing court questions of law involved in any decision by it. In any judicial proceeding under this section, the findings of fact by the Commission, if there is evidence to support them and in the absence of fraud, shall be conclusive, and the jurisdiction of the court shall be confined to questions of law. Such actions and the questions so certified shall be heard in a summary manner and shall be given precedence over all civil cases. An appeal may be taken from the judgment of the superior court, as provided in civil cases. The Commission shall have the right to appeal to the appellate division from a decision or judgment of the superior court and for such purpose shall be deemed to be an aggrieved party. No bond shall be required of the Commission upon appeal. Upon the final determination of the case or proceeding, the Commission shall enter an order in accordance with the determination. When an appeal has been entered to any judgment, order, or decision of the court below, no

benefits shall be paid pending a final determination of the cause, except in those cases in which the final decision of the Commission allowed benefits."

Sec. 21. G.S. 96-17(b1) is rewritten to read:

"(b1) Fees Prohibited. Except as otherwise provided in this Chapter, no individual claiming benefits in any administrative proceeding under this Chapter shall be charged fees of any kind by the Commission or its representative, and in any court proceeding under this Chapter each party shall bear its own costs and legal fees."

Sec. 22. G.S. 96-18(g)(1) is amended by adding after the word "liable" the phrase ", for 10 years after the decision under subsection (e) becomes final,".

Sec. 23. G.S. 96-4(b) is amended by deleting the last sentence and substituting the following:

"Before the adoption, amendment, or repeal of any permanent regulation, the Commission shall publish notice of the public hearing and offer any person an opportunity to present data, opinions, and arguments. The notice shall be published in one or more newspapers of general circulation in this State at least 10 days before the public hearing and at least 20 days prior to the proposed effective date of the proposed permanent regulation. The published notice of public hearing shall include the time and place of the public hearing; a statement of the manner in which data, opinions, and arguments may be submitted to or before the Commission; a statement of the terms or substance of the proposed regulation; and the proposed effective date of the regulation. Any permanent regulation adopted after following the above procedure shall become effective on its effective date and after it is published in the manner provided for in subsection (c) as well as such additional publication as the Commission deems appropriate. Additionally, the Commission shall provide notice of adoption by mail to the last known addresses of all persons who submitted data, opinions, or arguments to the Commission with respect to the regulation. Temporary regulations may be adopted, amended, or rescinded by the Commission and shall become effective in the manner and at the time prescribed by the Commission but shall remain in force for no longer than 120 days."

Sec. 24. Section 23 of this act shall apply only to regulations adopted on or after January 1, 1986. All Commission regulations in force on December 31, 1985, shall be deemed permanent regulations and nothing in this act shall be construed to render those regulations ineffective or invalid.

Sec. 25. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 393 **CHAPTER 553**

AN ACT TO CLARIFY THE JURISDICTION OF GRAND JURIES.

The General Assembly of North Carolina enacts:

Section 1. Article 31 of Chapter 15A of the General Statutes is amended by adding a new section to read as follows:

"§ 15A-631. *Grand jury venue.*—In the General Court of Justice, the place for returning a presentment or indictment is a matter of venue and not jurisdiction. A grand jury shall have venue to present or indict in any case where the county in which it is sitting has venue for trial pursuant to the laws relating to trial venue."

Sec. 2. This act does not apply to pending prosecutions.

Sec. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 693 **CHAPTER 554**

AN ACT TO PROHIBIT TAKING BEAR AND WILD BOAR AND TO ESTABLISH A PENALTY FOR TAKING BALD AND GOLDEN EAGLES.

The General Assembly of North Carolina enacts:

Section 1. Subdivision (2) of G.S. 113-291.1(b) is hereby amended to read as follows:

"(2) With the use or aid of any artificial light, net, trap, snare, electronic or recorded animal or bird call, or fire, except as may be otherwise provided by statute. No wild birds may be taken with the use or aid of salt, grain, fruit, or other bait, except as may be otherwise provided by statute. No bear or wild boar may be taken with the use or aid of any salt, salt lick, grain, fruit, honey, sugar-based material, animal parts or products, or other bait. The taking of wild animals and wild birds with poisons, drugs, explosives, and electricity is governed by G.S. 113-261, G.S 113-262, and Article 22A of this Subchapter."

Sec. 2. Any person who unlawfully takes bear or wild boar with the use or aid of any type of bait is punishable as provided by G.S. 113-294(c).

Sec. 3. G.S. 113-294 is amended by adding a new subsection "(l)" to read:

"(l) Any person who unlawfully takes, possesses, transports, sells or buys any bald eagle or golden eagle, alive or dead, or any part, nest or egg of a bald eagle or golden eagle is guilty of a misdemeanor. Unless a greater penalty is prescribed for the offense in question, any person convicted under this subsection is punishable by a fine of not more than

one thousand dollars ($1,000), or imprisonment of not more than one year, or both."

Sec. 4. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.B. 730 **CHAPTER 555**

AN ACT TO EXEMPT MEDICINES SOLD ON PRESCRIPTION OF A VETERINARIAN FROM SALES TAX.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.13(13) is amended by deleting the phrase "physicians and dentists" and substituting the phrase "physicians, dentists, or veterinarians".

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

S.B. 238 **CHAPTER 556**

AN ACT AS TO THE CITIES OF ASHEVILLE AND RALEIGH CONCERNING TREE REGULATION AND TO ALLOW THEM TO EXERCISE EMINENT DOMAIN POWERS FOR OPEN SPACE.

The General Assembly of North Carolina enacts:

Section 1. To preserve, protect, and enhance one of the most valuable natural resources of the community, a city may:

(1) Enact and enforce ordinances to regulate the planting, maintenance, removal, replacement, grading, and preservation on public and private property of the following trees and other plants:
   a. Trees which are listed as the champion or co-champion of its species, either on the "National Big Tree List" as compiled by the American Forestry Association or the "Champion Big Trees of North Carolina" as compiled by the North Carolina Division of Forestry Resources;
   b. Trees which are designated an historic property; or
   c. Species or higher taxon of plants or group or colony of such plants either listed as protected plants by the North Carolina Plant Conservation Board or specifically ordained by the city council as endangered, threatened, or of special concern. No removal of the above-mentioned trees or plants shall be delayed beyond the maximum period of delay authorized for destruction of a designated historic property.

(2) Enact and enforce ordinances to regulate the planting, maintenance, removal, replacement, grading, and preservation on public and private property of trees and other plants within the following areas:

a. floodways and slopes greater than forty-five percent (45%) of adjacent floodways;
b. reservoir watershed protection areas;
c. resource management zoning districts, provided that no ordinance shall totally prohibit the removal of trees within these districts. However, the ordinance may provide that any trees removed in resource management zoning districts must be replaced by similar trees planted on the same tract or parcel of land.

(3) Enact and enforce nuisance abatement ordinances to treat or remove diseased or unsafe trees and plants on public and private property.

Before adopting or amending any ordinance authorized by subdivisions (1) and (2) of this Section, the city council shall hold a public hearing on it. A notice of the public hearing shall be given so as to conform with G.S. 160A-364, as it may be amended from time to time.

Sec. 2. G.S. 40A-3(b)(3) is amended by inserting after the word "playgrounds" the following language: ", open spaces or open areas as listed in G.S. 160A-407".

Sec. 3. This act applies only to the Cities of Asheville and Raleigh.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

S.B. 346 **CHAPTER 557**

AN ACT AMENDING ARTICLE XV, SECTION 83(e) OF THE CHARTER OF THE CITY OF WINSTON-SALEM RELATING TO UPTOWN DEVELOPMENT PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. Article XV, Section 83(e) of the Charter of the City of Winston-Salem, being Chapter 232, Private Laws of 1927, as amended by Section 5 of Chapter 1023, Session Laws of 1973 (Second Session 1974) and Chapter 289, Session Laws of 1981, is hereby further amended by deleting the final sentence thereof and adding the following in lieu thereof:

"Public improvements that are part of any uptown development project may be constructed by the City of Winston-Salem without complying with the provisions of Article 8 of Chapter 143 of the General Statutes."

Sec. 2. This act is effective upon ratification. This act shall expire July 1, 1989.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

S.B. 429 **CHAPTER 558**

AN ACT TO ALLOW CANDIDATES TO USE NICKNAMES ON THE BALLOT IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. The fourth paragraph of G.S. 163-106(a) is amended by adding the following at the end: "A candidate may also, in lieu of his legal first name and legal middle initial or middle name (if any) sign his nickname, provided that he appends to the notice of candidacy an affidavit that he has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way his name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office."

Sec. 2. G.S. 163-138 is amended by adding the following immediately after the second sentence: "Notwithstanding the previous sentence, if the candidate has used his nickname in lieu of first and middle names as permitted by G.S. 163-106(a), unless another candidate for the same office who files a notice of candidacy has the same last name, the nickname shall be printed on the ballot immediately before the candidate's surname but shall not be enclosed by parentheses. If another candidate for the same office who filed a notice of candidacy has the same last name, then the candidate's name shall be printed on the ballot in accordance with the alternate indicated by the candidate on his affidavit under G.S. 163-106(a)."

Sec. 3. The second paragraph of G.S. 163-294.2(a) is amended by adding the following at the end: "A candidate may also, in lieu of his legal first name and legal middle initial or middle name (if any) sign his nickname, provided that he appends to the notice of candidacy an affidavit that he has been commonly known by that nickname for at least five years prior to the date of making the affidavit, and notwithstanding the previous sentence, if the candidate has used his nickname in lieu of first and middle names as permitted by this sentence, unless another candidate for the same office who files a notice of candidacy has the same last name, the nickname shall be printed on the ballot immediately before the candidate's surname but shall not be enclosed by parentheses. If another candidate for the same office who filed a notice of candidacy has the same last name, then the candidate's name shall be printed on the ballot in accordance with the next sentence of this subsection. The candidate shall also include with the affidavit the way his name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

S.B. 464 **CHAPTER 559**

AN ACT RELATING TO COSMETIC ARTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 88-16 is amended by adding a new subdivision to read:

"(4) Any applicant who fails to pass the written examination and/or the practical examination prescribed by the Board five times will not be accepted for any other examination given by the Board until the applicant completes at least 200 additional hours in a beauty school that is approved by the Board. These 200 hours must be in the basic training in cosmetic art."

Sec. 2. G.S. 88-21 is rewritten to read:

"§ 88-21. *Fees required.*—(a) The following fees shall be paid to the Board:

(1) The fee to be paid by an applicant for a certificate of registration to practice cosmetic art as an apprentice shall be five dollars ($5.00).

(2) The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration as a registered cosmetologist shall be ten dollars ($10.00).

(3) The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration as a registered manicurist shall be five dollars ($5.00).

(4) The license fee for a registered cosmetologist shall be thirty-three dollars ($33.00) for three years, payable in advance.

(5) The fee for renewal of the license of a registered cosmetologist shall be thirty-three dollars ($33.00) for three years, payable in advance, if the license is renewed before it becomes delinquent. The licenses of all registered cosmetologists shall be due for renewal in October 1986, and every three years thereafter.

(6) A delinquency penalty of ten dollars ($10.00) shall be paid, in addition to the renewal fee, for the renewal of a registered cosmetologist's license that has become delinquent.

(7) The annual fee for a registered apprentice or certified manicurist, which shall be due on or before October 1, shall be five dollars ($5.00).

(8) All cosmetic art shops shall pay an annual fee of three dollars ($3.00) for each active booth, on or before February 1 of each year.

(9) A delinquency penalty of ten dollars ($10.00) shall be paid by each cosmetic art shop that does not pay the required fees by the February 1 deadline.

(10) The fee for reissuance of an expired permit of a cosmetic art shop shall be twenty-five dollars ($25.00).

(11) All cosmetic art schools shall pay a fee of fifty dollars ($50.00) annually.

(12) Applicants for licensing under G.S. 88-19 shall pay an application fee of fifteen dollars ($15.00).

(13) Registered cosmetologists licensed under G.S. 88-19 shall pay an annual license fee of eleven dollars ($11.00) until the year in which all other registered cosmetologist licenses are due for renewal and then shall pay the fees required in subdivision (5) above.

(14) A delinquency penalty of three dollars ($3.00) shall be paid by all registered cosmetologists licensed under G.S. 88-19, paying on an annual basis if they do not renew their license before October 1 of that year.

(15) Apprentice cosmetologists, licensed under G.S. 88-19, shall pay an annual license fee of five dollars ($5.00) for the first year, or part of the year, in addition to the application fee required by subdivision (12) above.

(16) All cosmetic art teachers shall be licensed by the Board and shall pay a fee of ten dollars ($10.00) for that license which shall be renewed every two years.

(b) The Board shall not increase the fees set in subsection (a) of this section, but the Board may regulate the payment of the fees and may prorate the fees as appropriate."

Sec. 3. The first sentence of G.S. 88-25 is rewritten to read:

"Every registered cosmetologist who continues in active practice or service shall renew his or her certificate of registration on or before October 1, 1986, and every three years thereafter. The certificate shall expire on the first day of November in the year in which the renewal is due. Every registered apprentice who continues in active practice or service shall annually, on or before October 1 of each year, renew his or her certificate of registration which has not been renewed prior to, or during, the month of October in any year, and which shall expire on the first day of November in that year."

Sec. 4. The first sentence of G.S. 88-30 is rewritten to read:

"A person shall be a registered manicurist to engage in the practice of manicuring or pedicuring in a cosmetic art shop, beauty parlor or hairdressing establishment and that person may be a registered manicurist without being a registered cosmetologist."

Sec. 5. G.S. 88-12 is amended by designating the current section as subsection (a) and adding a new subsection to read:

"(b) No credit for hours shall be allowed under this Chapter after 10 years have elapsed from the date a person enrolled in a Cosmetic Art School if the person did not complete the required number of hours and if the person did not file an application for an examination conducted by the Board."

Sec. 6. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

S.B. 621 **CHAPTER 560**

AN ACT TO PROVIDE THAT THE TIME REQUIREMENT LIMITATIONS FOR A PRIVATE PROTECTIVE LICENSE DO NOT APPLY TO THE TIME SPENT TEACHING POLICE SCIENCE SUBJECTS AT A POST-SECONDARY EDUCATIONAL INSTITUTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 74C-8(d)(3) is amended by adding a new sentence, immediately after the first sentence, to read:

"Time spent teaching police science subjects at a post-secondary educational institution (such as a community college, college, or university) shall toll the time for the minimum year requirements in the preceeding sentence."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

S.B. 691 **CHAPTER 561**

AN ACT TO INCORPORATE CERTAIN CHANGES INTO THE ALARM SYSTEMS LICENSING ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 74D-2(d)(2), as the same appears in the 1983 Cumulative Supplement to Volume 2C of the General Statutes, is amended on line 13 by inserting after the word "guilty" and before the word "or" the following: ", plea of no contest,".

Sec. 2. G.S. 74D-6(3), as the same appears in the 1983 Cumulative Supplement to Volume 2C of the General Statutes, is amended on line 13 by inserting after the word "guilty" and before the word "or" the following: ", plea of no contest,".

Sec. 3. Chapter 74D of the General Statutes is amended by adding a new G.S. 74D-5.1 to read as follows:

"§ 74D-5.1. *Position of Administrator created.*—The position of Administrator of the Alarm Systems Licensing Board is hereby created within the State Bureau of Investigation. The Attorney General shall appoint a person to fill this full-time position. The administrator's duties shall be to administer the directives contained in this Chapter and the rules promulgated by the Board to implement this Chapter and to carry out the administrative duties incident to the functioning of the Board in order to actively police the alarm systems industry to insure compliance with the law in all aspects."

Sec. 4. G.S. 74D-4(f) is hereby rewritten to read:

"The Board shall elect a Chairman from its membership by majority vote at the first meeting of its fiscal year."

Sec. 5. Chapter 74D of the General Statutes is amended by adding a new G.S. 74D-5.2 to read as follows:

"§ 74D-5.2. *Investigative powers of the Attorney General.*—The Attorney General for the State of North Carolina shall have the power

to investigate or cause to be investigated any complaints, allegations, or suspicions of wrongdoing or violations of this Chapter involving individuals licensed, or to be licensed, under this Chapter."

Sec. 6. G.S. 74D-8(a), as the same appears in the 1983 Cumulative Supplement to Volume 2C of the General Statutes is amended as follows:

a. At line 2 the words "two sets" are deleted and the language "set(s)" is inserted in lieu thereof;

b. At line 3, the word "two" is deleted; and

c. At line 3, the word "photographs" is deleted and the language "photograph(s)" is inserted in lieu thereof.

Sec. 7. Chapter 74D is amended by designating the existing provisions as Article 1, and is further amended by adding a new Article 2 as follows:

"ARTICLE 2.
"Alarm Systems Recovery Fund.

"§ 74D-30. *Alarm Systems Recovery Fund created; payment to Fund; management; use of funds.*—(a) There is hereby created and established a special fund to be known as the "Alarm Systems Recovery Fund" (hereinafter Fund) which shall be set aside and maintained in the Office of the State Treasurer. Said Fund shall be used in the manner provided in this Article for the payment of claims where the aggrieved person has suffered a direct monetary loss by reason of certain acts committed by any person licensed under this Chapter.

(b) Nothing contained in this Article shall limit the authority of the Board to take disciplinary action against any licensee under this Chapter, nor shall the repayment in full of all obligations to the Fund by any licensee nullify or modify the effect of any other disciplinary proceeding brought under this Chapter.

(c) In addition to the fees provided for elsewhere in this Chapter, the Board shall charge the following fees which shall be deposited into the Fund:

(1) On July 1, 1985, the Board shall charge every licensee on that date a fee of fifty dollars ($50.00);

(2) The Board shall charge each new applicant for a license fifty dollars ($50.00), provided that for purposes of this Article a new applicant is hereby defined as an applicant who did not possess a license on July 1, 1985; and

(3) The Board is authorized to charge each licensee an additional amount, not to exceed fifty dollars ($50.00), on July 1 of any year in which the balance of the Fund is less than one hundred thousand dollars ($100,000).

(d) The State Treasurer shall invest and reinvest the monies in the Fund in a manner provided by law, provided that sufficient liquidity shall be maintained to satisfy claims authorized by the Board. The proceeds from such investments shall be deposited to the credit of the Fund. The Board in its discretion, may use any and all of the proceeds from such investments for any of the following purposes:

(1) To advance education and research in the alarm systems field for the benefit of those licensed under the provisions of this Chapter and for the improvement of the industry;
(2) To underwrite educational seminars, training centers and other educational projects for the use and benefit generally of licensees, and
(3) To sponsor, contract for and to underwrite any and all additional educational training and research projects of a similar nature having to do with the advancement of the alarm systems field in North Carolina.

"§ 74D-31. *Application for payment out of Fund; hearing grounds.*—(a) The Fund shall serve as a guaranty for the obligations of those licensed under this Chapter. The Fund's liability, as guaranty, is contingent upon a licensee defaulting upon an obligation owed to a person by the licensee where said obligation was entered into by the licensee within the scope of the licensee's employment in providing alarm systems services.

(b) An aggrieved party may petition the Board for a hearing to determine whether or not a licensee defaulted upon an obligation owed to the aggrieved party by the licensee; whether, if such an obligation is found, it arose within the licensee's scope of employment while providing alarm systems services; and if so, the amount of damages suffered by the aggrieved party. Said hearing shall be governed by the procedures of Chapter 150A of the General Statutes.

(c) Claims filed under this Chapter may only be brought for obligations incurred on or after July 1, 1985.

(d) Until such time as the Fund reaches one hundred thousand dollars ($100,000), or at any time the Fund has insufficient assets in excess of one hundred thousand dollars ($100,000) to pay outstanding claims, the State Treasurer shall not disburse any payments to an aggrieved party. However, any party aggrieved and awarded payment as ordered by the Board, which order is dated after July 1, 1985, shall hold a vested right for payment plus interest as provided in G.S. 24-1 once the Fund reaches a sufficient level for payments. Authorized payments which cannot be made due to a lack of funds will be paid as funds become available, beginning with those payments which have been unsatisfied for the longest period of time.

(e) Hearings held pursuant to this Article shall be separate and apart from any hearings authorized pursuant to Article 1 of this Chapter. However, there is no prohibition against, if the Board so desires, holding hearings pursuant to Article 1 and Article 2 at the same location on the same date, or in front of the same hearing officer provided that in so doing no provisions of Chapter 150A of the General Statutes are violated.

"§ 74D-32. *Order directing payment out of Fund.*—If the Board finds, after a hearing pursuant to G.S. 74D-31, that the Fund, as guarantor, should make a payment to an aggrieved party, the Board shall enter an order directed to the State Treasurer authorizing payment from the Fund of whatever sum the Board shall find to be payable in accordance with the limitations contained in this Article.

"§ 74D-33. *Maximum liability; pro rata distribution.*—(a) Payments from the Fund shall be subject to the following limitations:

(1) The Fund shall not be liable for more than five thousand dollars ($5,000) per obligation regardless of the number of persons aggrieved; and

(2) The liability of the Fund shall not exceed in the aggregate ten thousand dollars ($10,000) for any one licensee within a single calendar year.

(b) If the maximum liability of the Fund is insufficient to pay in full the valid claims of all aggrieved persons whose claims related to the same obligation or to the same licensee, the amount for which the Fund is liable shall be distributed among the claimants in a ratio that their respective claims bear to the total of such valid claims or in such manner as the Board deems equitable. Upon action of the Board or parties, the Board may require all claimants and prospective claimants to be joined in one action to the end that the respective rights of all such claimants to the Fund may be equitably adjudicated and settled."

Sec. 8. G.S. 74D-9 is amended as follows:

a. G.S. 74D-9(a), (b) and (c) are repealed.

b. G.S. 74D-9(f) is amended at lines 1 and 2 by deleting the words "the surety bond and" and inserting the language "a" in lieu thereof.

c. G.S. 74D-9(f) is amended at line 6 by deleting the language "bond," and by also deleting the language ", or both".

Sec. 9. G.S. 74D-10(a)(10) is amended by deleting the language "cash bond, surety bond, or".

Sec. 10. G.S. 105-51.1(a), as the same appears in the 1983 Cumulative Supplement to Volume 2D of the General Statutes, is rewritten to read as follows:

"(a) Every person, firm or corporation engaged in an alarm system business licensed under Chapter 74D of the General Statutes shall apply for and obtain from the Secretary of Revenue a State license for the privilege of engaging in that business and the installing, servicing and monitoring of fire alarms, smoke alarms and communication systems as part of such a business operation and shall pay for such license a tax of twenty-five dollars ($25.00)."

Sec. 11. This act is effective upon ratification, except Sections 8 and 9 which are effective July 1, 1986.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

H.B. 274 **CHAPTER 562**

AN ACT TO REMOVE THE REQUIREMENT THAT ABSENTEE BALLOTS FROM OUTSIDE THE UNITED STATES NEED TO BE NOTARIZED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-231(a) is amended by adding the following at the end:

"In the case of registered voters who are residents of North Carolina but temporarily outside of the United States, the procedure of subsection

(a1) of this section may be followed in lieu of the procedure of this subsection."

Sec. 2. G.S. 163-231 is amended by adding a new subsection to read:

"(a1) Procedure for Voting Absentee Ballots. - The voter shall:

(1) Mark his ballots;

(2) Fold each ballot separately;

(3) Place the folded ballots in the container-return envelope and securely seal it; and

(4) Make the certificate printed on the container-return envelope according to the provisions of G.S. 163-229(b).

When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the chairman of the county board of elections who issued the ballots.

This subsection applies only to registered voters who are residents of North Carolina but who are temporarily outside of the United States."

Sec. 3. G.S. 163-229(b)(2) is amended by deleting the note at the bottom of the subdivision and substituting the following:

"If you are a resident of North Carolina who is residing temporarily outside the United States, you do not have to have this affidavit or certificate signed by an officer administering an oath. Instead, check the box below and sign the following certification.

☐ I am a resident of North Carolina but residing temporarily outside the United States. I certify that I made application for absentee ballots, and that I marked the ballots enclosed herein. I understand it is a felony to falsely sign this certificate.

_____

(signature of voter)"

Sec. 4. G.S. 163-229(b)(2) is amended by deleting "Affidavit" and substituting "Affidavit or Certificate".

Sec. 5. G.S. 163-275 is amended by adding a new subdivision to read:

"(16) For any person falsely to make the certificate provided by G.S. 163-229(b)(2)."

Sec. 6. G.S. 163-237(b) is amended by deleting "If any person" and substituting "Except as provided by G.S. 163-275(16), if any person".

Sec. 7. This act shall become effective with respect to all elections held on or after January 1, 1986.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

H.B. 404 **CHAPTER 563**

AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-105 is amended by deleting "G.S. 163-108(b)" and substituting "G.S. 163-109(b)", and deleting "G.S. 163-108(c)" and substituting "G.S. 163-109(c)".

Sec. 2. G.S. 163-227(a) is amended in the first paragraph by deleting "V" and substituting "B", in the second paragraph by deleting "163-226(1)(3)" and substituting "163-226(a)(1)", in the third paragraph by deleting "163-226(2)" and substituting "163-226(a)(2)", and in the fourth paragraph by deleting "163-226(2)" and substituting "163-226(a)(2)".

Sec. 3. G.S. 163-58 is repealed.

Sec. 4. G.S. 163-226.3(a) is amended by deleting "felony and upon conviction shall be imprisoned for not less than six months or fined not less than one thousand dollars ($1,000), or both, in the discretion of the court" and substituting "Class J felony".

Sec. 5. G.S. 69-25.9 is amended by deleting "by the joint boards of county commissioners" and substituting "jointly by the county boards of elections".

Sec. 6. The second sentence of G.S. 163-230(2)b. is repealed.

Sec. 7. G.S. 163-115 is amended by adding the following at the end:

"If a vacancy occurs on a county board of commissioners and G.S. 153A-27 or G.S. 153A-27.1 requires that a person shall be elected to the seat vacated for the remainder of the unexpired term, and the vacancy occurs:

(1) beginning on the tenth day before the filing period ends under G.S. 163-106(c), a nomination shall be made by the county executive committee of each political party and the names of the nominees shall be printed on the general election ballots.

(2) prior to the tenth day before the filing period ends under G.S. 163-106(c), nominations shall be made by primary election as provided by this Article."

Sec. 7.1. The third paragraph of G.S. 163-115 is amended by deleting ", unless the ballots have already been printed when the nominations are made, in which case the provisions of G.S. 163-139 shall apply".

Sec. 7.2. G.S. 153A-27.1(b) is amended by deleting "30 days", and substituting "60 days".

Sec. 7.3. The first sentence of the second paragraph of G.S. 153A-27 is rewritten to read: "If the member being replaced was serving a two-year term, or if the member was serving a four-year term and the vacancy occurs later than 60 days before the general election held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term."

Sec. 7.4. The second sentence of the second paragraph of G.S. 153A-27 is amended by deleting "30 days", and substituting "60 days".

Sec. 8. G.S. 163-42 is amended by deleting "seventh day prior to the date the appointments are to be made pursuant to G.S. 163-31" and substituting "thirtieth day prior to the primary or election".

Sec. 8.1. G.S. 163-42 is amended by adding the following at the end:

"Assistants serve for the particular primary or election for which they are appointed, unless the county board of elections appoints them for a term to expire on the date appointments are to be made pursuant to G.S. 163-41."

Sec. 9. The last two sentences of the first paragraph of G.S. 163-41(a) are deleted and the following substituted:

"Not more than one judge in each precinct shall belong to the same political party as the registrar."

Sec. 10. G.S. 163-41(b) is amended by adding the following immediately after the second sentence:

"A special registration commissioner for a county must be a registered voter of that county."

Sec. 10.1. G.S. 163-43 is amended by adding the following at the end of the first paragraph:

"A ballot counter must be a resident of that precinct."

Sec. 11. G.S. 163-85(c)(2) and G.S. 163-85(c)(3) are each amended by adding the following immediately before the comma:

", provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days".

Sec. 11.1. G.S. 163-85(c)(6) is repealed.

Sec. 11.2. G.S. 163-85(c)(7) is repealed.

Sec. 11.3. G.S. 163-276 is amended by deleting ", and if the conviction is for a misdemeanor, he shall be disqualified from voting for a period of two years".

Sec. 11.4. G.S. 163-87 is amended by adding the following new paragraph immediately after the first paragraph:

"On the day of a primary or election, any other registered voter of the precinct may challenge a person for one or more of the following reasons:

(1) one or more of the reasons listed in G.S. 163-85(c), or

(2) that the person has already voted in that primary or election, or

(3) that the person presenting himself to vote is not who he represents himself to be."

Sec. 11.5. G.S. 163-85(c) is amended by adding the following new subsection:

"(7a) That a person is dead,".

Sec. 12. The last three sentences of G.S. 147-4 are repealed.

Sec. 13. The first sentence of G.S. 163-107.1(b) is amended by adding the following immediately before the period:

", except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be making nominations by primary election, the petition must be signed by ten percent (10%) of the registered voters of the State who are affiliated with the same political party in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by no less than 10,000 registered voters regardless of the voter's political party affiliation, whichever requirement is greater".

Sec. 14. G.S. 163-87 is amended by adding the following at the end:

"If a person is challenged under this subsection, and the challenge is sustained under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-72.3, if eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration under G.S. 163-72.3 may be challenged at the precinct to which the registration is being transferred."

Sec. 15. The first sentence of G.S. 163-22.2 is amended by deleting "Statutes is held" and substituting "Statutes or any State election law or form of election of any county board of commissioners, local board of

education, or city officer is held", and is further amended by adding immediately after the word "court" the words "or is unenforceable because of objection interposed by the United States Justice Department under the Voting Rights Act of 1965", and is further amended by deleting "upon the convening" and substituting "60 days after the convening".

Sec. 16. G.S. 163-152(a)(1)a. is repealed.

Sec. 16.1. G.S. 163-152(a)(1)b. is amended by deleting the material immediately before the colon and substituting:

"b. Any voter in any of the following four categories shall be entitled to assistance from a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union".

Sec. 16.2. The second through fourth sentences of G.S. 163-152(a)(2) are deleted and the following substituted:

"If the registrar determines that the voter is entitled to assistance, he shall ask the voter to point out and identify the person he desires to help him and to whose assistance he is entitled under this section. The registrar shall thereupon request the person indicated to render the requested aid. The registrar, one of the judges, or one of the assistants may provide aid to the voter if so requested, if the election official is not prohibited by sub-subdivision (a)(1)b. of this section."

Sec. 16.3. G.S. 163-152(d) is repealed.

Sec. 16.4. G.S. 163-152(a)(1)b. is amended by adding the following before the period at the end:

"; 4. One who, on account of blindness, is unable to enter the voting booth or mark his ballots without assistance".

Sec. 16.5. The first sentence of G.S. 163-152.1 is rewritten to read:

"Any blind voter may record a certificate issued by the Department of Human Resources, by an optometrist or by a physician, stating that the named individual should be entitled to assistance as a blind voter."

Sec. 16.6. The second sentence of G.S. 163-152.1 is amended by deleting "whether such voter resides in a county with full-time registration or regular registration".

Sec. 17. This act shall become effective September 1, 1985, except that Sections 1, 2, 3, 6, 12, and 15 are effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

H.B. 573 **CHAPTER 564**

AN ACT TO EXPAND THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWN OF KNIGHTDALE.

The General Assembly of North Carolina enacts:

Section 1. In addition to the areas allowed under Article 19 of Chapter 160A of the General Statutes, the Town of Knightdale may, with the approval of the board of county commissioners with jurisdiction over the area, exercise all the powers granted by Article 19 of Chapter 160A of the General Statutes in the following defined area:

Beginning at the centerline of U.S. Highway 64 and the existing extraterritorial jurisdiction line of the Town of Knightdale, thence West on U.S. Highway 64 to the centerline of the Neuse River, thence generally South along the centerline of the Neuse River to the centerline of Poole Road, thence East on the centerline of Poole Road to the centerline of Hodge Road, thence North on the centerline of Hodge Road to the centerline of Faison Road, thence East along the centerline of Faison Road to the existing extraterritorial jurisdiction line of the Town of Knightdale, thence North along that line to the point and place of beginning.

Sec. 2. G.S. 160A-360(f) shall apply to the extension of jurisdiction provided by Section 1 of this act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

H.B. 833 **CHAPTER 565**

AN ACT TO CLARIFY THE EFFECT OF POSSIBLE REVERSAL BY THE UNITED STATES SUPREME COURT OF OPINIONS OF THE DISTRICT COURT CONCERNING REDISTRICTING.

Whereas, the United States Supreme Court has agreed to hear the State's appeal of certain district court decisions concerning apportionment of the General Assembly; and

Whereas, the 1984 Extra Sessions provided that a reversal would restore the prior districts as to any future election; and

Whereas, the current timetable for United States Supreme Court review might result in an opinion being rendered during the election year; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Section 2.1 of Chapter 1, Session Laws, Extra Session of 1984, Section 3.1 of Chapter 4, Session Laws, Extra Session of 1984, Section 4.1 of Chapter 5, Session Laws, Extra Session of 1984, and Section 6.1 of Chapter 6, Session Laws, Extra Session of 1984 are each amended by adding the following immediately before the period at the end: ", provided that if such reversal occurs after December 31, 1985, but before January 1, 1988, prior law is revived as to any elections beginning with the 1988 election".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

H.B. 1066 **CHAPTER 566**

AN ACT TO REPEAL THE AUTHORIZATION OF LOCAL SCHOOL BOARDS TO ALLOW CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON ANY PROPERTY OWNED OR LEASED BY LOCAL BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-301(f)(7) is amended by deleting the words: ", unless specifically authorized by resolution of the local board of education".

Sec. 2. G.S. 18B-103(8) is rewritten to read:

"(8) The possession and use of unfortified wine or fortified wine for sacramental purpose by any organized church or ordained minister, including in public school buildings when the use of those buildings is approved by the local school board."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

H.B. 1240 **CHAPTER 567**

AN ACT TO REDUCE THE TIME FOR POSTING NOTICE OF SALE AND TO VALIDATE CERTAIN FORECLOSURE SALES THAT DID NOT COMPLY WITH POSTING REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 45-21.17(1)a. is amended by deleting "20" and substituting "at least 15".

Sec. 2. Article 2C of Chapter 45 of the General Statutes is amended by adding a new section to read:

"§ 45-21.48. *Validation of certain foreclosure sales that did not comply with posting requirement.*—A sale of real property made on or before the effective date of this section under a power of sale contained in a mortgage or deed of trust, for which a notice of the sale was not posted at the courthouse door for 20 days immediately preceding the sale, as required by G.S. 45-21.17(1), but was posted at the courthouse door for at least 15 days immediately preceding the sale, is declared to be a valid sale to the same extent as if the notice of the sale had been posted for 20 days; unless an action to set aside the foreclosure sale is not barred by the statute of limitations and is commenced on or before October 1, 1985."

Sec. 3. This act is effective upon ratification. Nothing herein shall affect pending litigation.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

H.B. 1371 **CHAPTER 568**

AN ACT TO ALLOW A PERSONAL INCOME TAX EXEMPTION FOR TAXPAYERS WHOSE DEPENDENTS HAVE CERTAIN SEVERE HEAD INJURIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-149(a) is amended by adding a new subdivision to read:

"(8g) In the case of an individual whose dependent has a severe head injury and is in either a persistent vegetative state or in a severely disabled condition as assessed by the Glasgow Outcome Scale, an exemption of one thousand one hundred dollars ($1,100) for that dependent. This exemption is in addition to all other exemptions allowed by this subsection. To claim this exemption, the taxpayer must attach to his tax return on which he claims the exemption a statement from a physician certifying that the dependent for whom the exemption is claimed has a severe head injury and is in either a persistent vegetative state or in a severely disabled condition as assessed by the Glasgow Outcome Scale."

Sec. 2. This act is effective for taxable years beginning on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

S.B. 244 **CHAPTER 569**

AN ACT TO MAKE THE UNLAWFUL POSSESSION OF HYDROMORPHONE, COMMONLY KNOWN AS DILAUDID, A CLASS I FELONY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-95(d)(2) is amended by inserting between the words "but" and "if" the phrase: "if the controlled substance exceeds 4 tablets, capsules, or other dosage units or equivalent quantity of hydromorphone or".

Sec. 2. This act shall become effective October 1, 1985, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

S.B. 259 **CHAPTER 570**

AN ACT CONCERNING LOCAL MATTERS IN IREDELL COUNTY AND THE CITY OF STATESVILLE, INCLUDING THE DISTRICTING OF THE CITY COUNCIL, COLLECTION OF TAXES, AN OCCUPANCY TAX, STATESVILLE SCHOOL ELECTIONS, AND A CIVIC CENTER AUTHORITY.

The General Assembly of North Carolina enacts:

Part I. Council Districting.

Section 1. Section 3.3 of the Charter of the City of Statesville, being Chapter 289, Session Laws of 1977, as amended under Part 4 of Article 5 of Chapter 160A of the General Statutes is rewritten to read:

"Sec. 3.3. *Election of the city council; term of office.* (a) In 1985 and quadrennially thereafter, two persons shall be elected by the qualified voters of the city at large.

(b) In 1985 and quadrennially thereafter, one person shall be elected each from Wards 2, 3, and 5 for four-year terms. In 1985, one person shall be elected from Ward 4 for a two-year term. In 1987 and quadrennially thereafter, one person shall be elected each from Wards 1, 4, and 6 for four-year terms. The qualified voters of each ward shall elect a candidate who resides in that ward for the seat apportioned to that ward. The term of the Ward 3 seat elected in 1983 for a four-year term shall expire on the date of the organizational meeting of the city council in 1985 as set under G.S. 160A-68. The terms of the Wards 1 and 6 seats elected in 1983 for four-year terms are not effected by this section and shall continue until the date of the organizational meeting of the city council in 1987 as set under G.S. 160A-68."

Sec. 2. Section 2.2 of the Charter of the City of Statesville, being Chapter 289, Session Laws of 1977 is rewritten to read:

"Sec. 2.2. *City council; terms of office.* The city council shall be composed of eight members, who shall be elected as provided by Article III of this Charter."

Sec. 3. Section 3.4 of the Charter of the City of Statesville, being Chapter 289, Session Laws of 1977 is rewritten to read:

"Sec. 3.4. *Wards and ward boundaries.* The city is divided into six wards as follows:

Introduction to New Ward Boundaries - All street boundary descriptions are to be considered from the center line of the street.

EXAMPLE: Where this section states Davie Avenue, it means the center line of Davie Avenue and thus all persons who live on the north side of Davie Avenue would be in Ward 1 and all persons living on the southern side of Davie Avenue/Mocksville Road would vote in Ward 2. The same would also apply for the description following the railroad tracks as a boundary, using the center line of the tracks as a dividing line.

Ward 1 - Boundary Description - Beginning at a point which is the intersection of Radio Road and the northern city limits and following Radio Road in a southerly direction to its intersection with Hartness Road; thence across Hartness Road and following Holland Drive to its

intersection with Bost Street; thence following Bost Street in a southeasterly direction to its intersection with Woods Drive; thence following Woods Drive in a southwesterly direction to its intersection with Brevard Street; thence following Brevard Street in a southeasterly direction to its intersection with Tradd Street; thence following Tradd Street in a southerly direction to its intersection with Stockton Street; thence following Stockton Street in a westerly direction to its intersection with North Center Street; thence following North Center Street in a southerly direction to its intersection with East Broad Street; thence following East Broad Street in a northeasterly direction to its intersection with Oakwood Drive; thence following Oakwood Drive north to its intersection with Davie Avenue, US Highway 21 and 64 East; thence following Davie Avenue/Mocksville Road in a northeasterly direction to the northeast boundary of the city limits; thence following the northeastern boundary and the northern boundary of the city limits to the point of beginning at Radio Road.

Ward 2 - Boundary Description - Beginning at a point in the northeastern city limits lying at the intersection of Fourth Creek and Davie Avenue/Mocksville Road, US 64-21 and running in a southwesterly direction along Davie Avenue/Mocksville Road to its intersection with Oakwood Drive; thence in a southerly direction along Oakwood Drive to its intersection with East Broad Street; thence in a westerly direction along East Broad Street to its intersection with Center Street; thence following South Center Street to its intersection with Front Street; running in a easterly direction along East Front Street to its intersection with Salisbury Road; thence in a southeasterly direction along Salisbury Road to its intersection with Garfield Street; thence following Garfield Street in a southwesterly direction to its intersection of Old Salisbury Road; thence following Old Salisbury Road to its intersection with Opal Street; thence following Opal Street to its intersection crossing of the Southern Railroad track; thence following the railroad tracks to its intersection of I-77; thence following the center line of I-77 to a point extended from the deadend of Dogwood Lane; thence with Dogwood Lane in a easterly direction to its intersection with Eastside Drive; thence across Eastside Drive and following Scott Road to its intersection with Huskins Street; thence following in a southerly direction Huskins Street to its intersection with Eastover Drive; thence following Eastside Drive to its intersection with the eastern city limits line; thence following the eastern city limits line in a northerly direction to its point of beginning at the intersection of Fourth Creek and Mocksville Road.

Ward 6 - Boundary Description - Beginning at a point at the eastern city limits line to its intersection with Eastover Drive and following in a westerly direction on Eastover Drive to its intersection with Huskins Street; thence in a north northwesterly direction following Huskins Street and Scott Road to its intersection with Eastside Drive; thence across Eastside Drive following Dogwood Lane in a westerly direction to a point extended at the deadend of Dogwood Lane to I-77; thence along I-77 in a southerly direction to its intersection with the Southern Railroad tracks; thence following the Southern Railroad tracks in a westerly direction to its intersection with Fourth Street; thence in a southerly direction along

Fourth Street to its intersection with Asheville Avenue; thence following Asheville Avenue in a southwesterly direction to its intersection with Sixth Street/Boulevard; thence following Boulevard/Sixth Street in a southerly direction to the western portion of Fayetteville Avenue; thence following Fayetteville Avenue in a westerly direction to its intersection with Lynnwood Drive; thence following Lynnwood Drive in a southerly direction to its intersection with the southern city limits line; thence following the southern city limit line in the eastern city limit line to its point of beginning at Eastover Drive.

Ward 3 - Boundary Description - Beginning at a point in the southern city limit line at its intersection with Lynnwood Drive and following Lynnwood Drive in a northerly direction to its intersection with the western portion of Fayetteville Avenue and following Fayetteville Avenue in an easterly direction to its intersection with Sixth Street (Boulevard); thence following the Boulevard/Sixth Street in a northerly direction to its intersection with Asheville Avenue; thence following Asheville Avenue in a northeasterly direction to its intersection with Fourth Street; thence following Fourth Street in a northerly direction to its intersection and crossing of the Southern Railroad tracks; thence following the railroad tracks in a easterly direction to its intersection and crossing of Opal Street; thence following Opal Street to its intersection with Old Salisbury Road; thence following Old Salisbury Road in a northwesterly direction to its intersection with Garfield Street; thence following Garfield Street in a northeasterly direction to its intersection with Salisbury Road (US 70); thence following Salisbury Road in a northwesterly direction to its intersection with East Front Street; thence following East Front Street in a westerly direction to its intersection with South Center Street; thence following South center Street to its intersection with West Sharpe Street; thence following West Sharpe Street in a westerly direction to its intersection with South Mulberry Street; thence following South Mulberry Street in a southerly direction to its intersection with Western Avenue; thence following Western Avenue in a westerly direction to its intersection with the Southern Railroad tracks; thence following the Southern Railroad tracks in a westerly direction to its intersection and crossing at Cochran Street; thence following Cochran Street in a southwesterly direction to the intersection of Cochran Street and Industrial Boulevard; thence following Industrial Boulevard in a northwesterly direction to its intersection with Newton Drive (US Highway 70-64); thence following Newton Drive (US Highway 70-64) in a southwesterly direction to its intersection with Park Drive; thence following Park Drive in a southerly direction to its intersection with Vista Terrace/Bristol Road; thence following Bristol Road in a westerly direction to its intersection with the western city limits line; thence following the western and southern city limit line to the point of beginning at the intersection of the southern city limits and Lynnwood Drive.

Ward 5 - Boundary Description - Beginning at a point in the northern city limit line and its intersection with Northside Drive and following Northside Drive in a northeasterly direction to the intersection of Northside Drive and North Center Street (US Highway 115); thence following North Center Street in a southeastery direction to its

intersection with North Race Street; thence following North Race Street in a southerly direction to its intersection with Alexander Street; thence following Alexander Street in a westerly direction to its intersection with Patterson Street; thence following Patterson Street in a southeasterly direction to its intersection with Cherry Street; thence following Cherry Street in a easterly direction to its intersection with Race Street; thence following South Race Street in a southerly direction to its intersection with West Sharpe Street; thence following West Sharpe Street to its intersection with Cochran Street; thence following Cochran Street in a southwesterly direction to its intersection with Industrial Boulevard; thence following Industrial Boulevard in a northwesterly direction to its intersection with Newton Drive (US Highway 70-64); thence following Newton Drive (US 70-64) in a southwesterly direction to its intersection with Park Drive; thence in a southerly direction along Park Drive to its intersection of Vista Terrace and Bristol Road; thence in a westerly direction along Bristol Road to its intersection with the western city limit line; thence following the western and northern city limit line to a point of beginning at the city limit line at its intersection with Northside Drive.

Ward 4 - Boundary Description - Beginning at the intersection of Radio Road and the northern city limit line and following Radio Road in a southerly direction to its intersection with Hartness Road and crossing Hartness Road and following Holland Drive to its intersection with Bost Street; thence following Bost Street in a southeasterly direction to its intersection with Woods Drive; thence following Woods Drive in a southwesterly direction to its intersection with Brevard Street; thence following Brevard Street in a southeasterly direction to its intersection of Tradd Street; thence following Tradd Street in a southerly direction to its intersection with Stockton Street; thence following Stockton Street in a westerly direction to its intersection of North Center Street; thence following North Center Street in a southerly direction to its intersection with West Sharpe Street; thence following West Sharpe Street in a westerly direction to its intersection with South Mulberry Street; thence following South Mulberry street in a southerly direction to its intersection with Western Avenue; thence following Western Avenue to its intersection crossing of the Southern Railroad tracks; thence following the Southern Railroad tracks in a northwesterly direction to its intersection and crossing at Cochran Street; thence following Cochran Street in a northeasterly direction to its intersection of West Sharpe Street; thence following West Sharpe Street to its intersection at South Race Street; thence following South Race Street in a northerly direction to its intersection with Cherry Street; thence following Cherry Street to a westerly direction to its intersection with Patterson Street; thence following Patterson Street in a northerly direction to its intersection with Alexander Street; thence following Alexander Street in a easterly direction to its intersection with North Race Street; thence following North Race Street to its intersection of North Center Street (NC Highway 115); thence following North Center Street (NC Highway 115) to its intersection with Northside Drive; thence following Northside Drive to its intersection with the northern city limit line; thence following the new northern city limit

line to the point of beginning at the intersection of Radio Road and the northern city limits which is the point of beginning."

Sec. 4. Section 3.12(a) of the Charter of the City of Statesville, being Chapter 289, Session Laws of 1977, is amended by adding immediately after "voters of the City," the words "except that as to removal of a person elected to a Ward seat, equal in number to at least twenty-five percentum (25%) of the registered and qualified voters of the Ward,".

Part II. Iredell Tax Collection.

Sec. 5. Section 4 of Chapter 284, Session Laws of 1983 is rewritten to read:

"Sec. 4. This act applies only to the following counties and the taxing units located in those counties: Gaston and Iredell."

Part III. Civic Center Authority.

Sec. 6. Chapter 329, Session Laws of 1971 is amended by deleting "Statesville-Iredell" whenever those words appear and substituting "Iredell".

Sec. 7. Section 1 of Chapter 329, Session Laws of 1971 is amended:

(1) by deleting "five members", and substituting "six members";

(2) by adding after "Statesville" the words ", the Mayor of the Town of Mooresville"; and

(3) by deleting "three ex officio members" and substituting "four ex officio members".

Part IV. Iredell County Occupancy Tax.

Sec. 8. The Board of Commissioners of Iredell County may, after adopting a resolution that it intends to proceed with a county civic center, by resolution levy a tax on the gross receipts from the rental of accommodations within Iredell County, not to exceed three percent (3%). This tax applies to the rental of accommodations subject to sales tax under G.S. 105-164.4(3).

Sec. 9. The tax collector shall collect and administer the occupancy tax levied by the county pursuant to this Part. The county board of commissioners may adopt rules as needed by the tax collector to implement this Part.

Sec. 10. Every owner of a business subject to the tax levied by this Part shall, on and after the first day of the calendar month set by the governing body in the resolution levying the tax, collect the occupancy tax provided by this Part. This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the owner of the business as trustee for and on account of the city. The occupancy tax levied under this Part shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the owner of the business. The city tax collector shall design, print, and furnish to all appropriate businesses in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax.

Every person liable for the tax imposed pursuant to this Part shall, on or before the 15th day of each month, prepare and submit a return on the prescribed form stating the total gross receipts derived during the preceding month from rentals upon which the tax is levied. The tax shall be due and payable to the tax collector on a monthly basis.

Any person who fails or refuses to file the return required by this Part shall pay a penalty of ten dollars ($10.00) for each day's omission. In addition, any person who refuses to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax shall pay a penalty of five percent (5%) of the tax due. An additional penalty of five percent (5%) shall be imposed for each additional month or fraction thereof in which the occupancy tax is not paid.

Any person who willfully attempts in any manner to evade the occupancy tax or who willfully fails to pay the tax or make and file the required return, shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and be punishable by a fine not to exceed one thousand dollars ($1,000), imprisonment not to exceed six months, or both.

Sec. 11. The tax collector shall remit the proceeds of this tax to the county on a monthly basis. The funds received by the county pursuant to this Part shall be allocated to a special fund and used only for operation and maintenance of a civic center, for payment of interest or retiring principal on debt related to a civic center, or for promotion of travel and tourism.

Sec. 12. The tax collector may collect any unpaid taxes levied under this Part through the use of attachment and garnishment proceedings as provided in G.S. 105-368 for collection of property taxes. The tax collector has the same enforcement powers concerning the tax imposed under this Part as does the Secretary of Revenue in enforcing the State sales tax under G.S. 105-164.30.

Sec. 13. The county board of commissioners may by resolution repeal the levy of the occupancy tax authorized by this Part. No liability for any tax levied under this Part that attached prior to the date on which a levy is repealed is discharged by the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed shall be denied as a result of the repeal.

Sec. 14. The definitions set forth in G.S. 105-164.3 apply to this Part insofar as those definitions are not inconsistent with this Part.

Sec. 15. The Board of Commissioners of Iredell County may, by resolution, abolish the Iredell Civic Center Authority established by Chapter 329, Session Laws of 1971, as amended by Sections 6 and 7 of this act. Such resolution shall provide for the disposition of assets and liabilities of the Authority, and shall state that the county does not intend to proceed with a civic center.

Part V. Statesville Occupancy Tax.

Sec. 16. The city council of the City of Statesville may, if the Board of Commissioners of Iredell County has adopted a resolution under Section 15 of this act, by resolution levy a tax on the gross receipts from the rental of accommodations within the corporate limits of the city, not to exceed

three percent (3%). This tax applies to the rental of accommodations subject to sales tax under G.S. 105-164.4(3).

Sec. 17. As used in this Part, "collector" means the Iredell County Tax Collector if the City of Statesville and Iredell County have so provided by contract, otherwise it means the city finance officer and/or city clerk, as may be designated by resolution of the city council.

Sec. 18. The collector shall collect and administer the occupancy tax levied by the city pursuant to this Part. The city council may adopt rules as needed by the collector to implement this Part.

Sec. 19. Every owner of a business subject to the tax levied by this Part shall, on and after the first day of the calendar month set by the governing body in the resolution levying the tax, collect the occupancy tax provided by this Part. This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the owner of the business as trustee for and on account of the city. The occupancy tax levied under this Part shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the owner of the business. The city tax collector shall design, print, and furnish to all appropriate businesses in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax. Every person liable for the tax imposed pursuant to this Part shall, on or before the 15th day of each month, prepare and submit a return on the prescribed form stating the total gross receipts derived during the preceding month from rentals upon which the tax is levied. The tax shall be due and payable to the tax collector on a monthly basis.

Any person who fails or refuses to file the return required by this Part shall pay a penalty of ten dollars ($10.00) for each day's omission. In addition, any person who refuses to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax shall pay a penalty of five percent (5%) of the tax due. An additional penalty of five percent (5%) shall be imposed for each additional month or fraction thereof in which the occupancy tax is not paid.

Any person who willfully attempts in any manner to evade the occupancy tax or who willfully fails to pay the tax or make and file the required return, shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and be punishable by a fine not to exceed one thousand dollars ($1,000), imprisonment not to exceed six months, or both.

Sec. 20. The collector shall remit the proceeds of this tax to the city on a monthly basis. The funds received by the city pursuant to this Part shall be allocated to a special fund and used only for operation and maintenance of a civic center, for payment of interest or retiring principal on debt related to a civic center, or for promotion of travel and tourism.

Sec. 21. The collector may collect any unpaid taxes levied under this Part through the use of attachment and garnishment proceedings as provided in G.S. 105-368 for collection of property taxes. The collector has the same enforcement powers concerning the tax imposed under this Part as does the Secretary of Revenue in enforcing the State sales tax under G.S. 105-164.30.

Sec. 22. The city council may by resolution repeal the levy of the occupancy tax authorized by this Part. No liability for any tax levied under this Part that attached prior to the date on which a levy is repealed is discharged by the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed shall be denied as a result of the repeal.

Sec. 23. The definitions set forth in G.S. 105-164.3 apply to this Part insofar as those definitions are not inconsistent with this Part.

Sec. 24. Before levying a tax under this Part, the City of Statesville shall either establish a civic center authority, or by resolution provide that a civic center shall be administered as a department of the city. If an authority is established, it shall have the number of members set forth in the resolution establishing it, which members shall be appointed by the Mayor. The city council may grant to the Authority any or all of the powers provided by Section 3 of Chapter 329, Session Laws of 1971.

Part VI.
Civic Center Condemnation Powers.

Sec. 25. (a) G.S. 40A-3(b) is amended by adding a new subdivision to read:

"(8a) Establishing, enlarging, or improving civic centers."

(b) This section applies only to the City of Statesville and Iredell County.

Part VII. Statesville School Elections.

Sec. 25.1. Section 4 of Chapter 386, Public Laws of 1891, as amended by Chapter 170, Public Laws of 1895, is rewritten to read:

"Sec. 4. (a) The Statesville City Board of Education shall consist of six members, elected for terms of six years.

(b) The Statesville City School Administrative Unit is divided into six wards for the purpose of elections. Those wards shall be the same as the wards established for the City of Statesville under Section 3.4. of the Charter of the City of Statesville, being Chapter 289, Session Laws of 1977 as rewritten.

(c) The qualified voters of each ward shall elect a candidate who resides in that ward for the seat apportioned to that ward.

(d) The Statesville City Board of Education, not later than 10 days before the opening of filing for the 1985 election, shall provide which two wards shall be subject to election in 1985 and every six years thereafter, which two wards shall be subject to election in 1987 and every six years thereafter, and which two wards shall be subject to election in 1989 and every six years thereafter, except that the resolution must provide that in 1985 and every six years thereafter, either Ward 3 or Ward 6, and either Ward 4 or Ward 5, shall be subject to election, as determined by the Board of Education in the resolution.

(e) No person may be elected to the Statesville City Board of Education for more than two successive terms. Only elections in 1985 and thereafter shall be counted in determining the restriction imposed by this subsection."

Sec. 25.2. The manner of filling vacancies on the Statesville City Board of Education is not changed by this Part, except that any person chosen to fill a vacancy in any ward seat must be a resident of that ward. The manner of determining the results of elections for the Statesville City Board of Education is not changed by this Part. Any person holding office on the effective date of this section, for terms to expire in 1985, 1987, or 1989, and any person chosen to fill any vacancy in such seats prior to the expiration of such terms, may continue in office if they are residents of the Statesville City School Administrative Unit notwithstanding what ward they reside in.

Part VIII. Effective Dates.

Sec. 26. Section 2 of this act shall become effective on the date of the organizational meeting of the Statesville City Council in 1985 as set under G.S. 160A-68. Section 4 of this act shall become effective with respect to persons elected beginning with the 1985 municipal election. The remainder of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

S.B. 272 **CHAPTER 571**

AN ACT TO PROTECT HANDICAPPED PERSONS.

The General Assembly of North Carolina enacts:

Section 1. The General Statutes are amended by adding a new Chapter 168A to read:

"Chapter 168A.
"Handicapped Persons Protection Act.

"§ 168A-1. *Title.*—This Chapter may be cited as the North Carolina Handicapped Persons Protection Act.

"§ 168A-2. *Statement of purpose.*—(a) The purpose of this Chapter is to encourage and enable all handicapped people to participate fully to the maximum extent of their abilities in the social and economic life of the State, to engage in remunerative employment, to use available public accommodations and public services, and to otherwise pursue their rights and privileges as inhabitants of this State.

(b) The General Assembly finds that: the practice of discrimination based upon a handicapping condition is contrary to the public interest and to the principles of freedom and equality of opportunity; the practice of discrimination on the basis of a handicapping condition threatens the rights and proper privileges of the inhabitants of this State; and such discrimination results in a failure to realize the productive capacity of individuals to their fullest extent.

"§ 168A-3. *Definitions.*—As used in this Chapter, unless the context otherwise requires, the term:

(1) 'Discriminatory practice' means any practice prohibited by this Chapter.

(2) 'Employer' means any person employing fifteen or more full-time employees within the State, but excluding a person whose only employees are hired to work as domestic or farm workers at that person's home or farm.

(3) 'Employment agency' means a person regularly undertaking with or without compensation to procure for employees opportunities to work for an employer and includes an agent of such a person.

(4) 'Handicapped person' means any person who (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. As used in this subdivision, the term:

a. 'Physical or mental impairment' means (i) any physiological disorder or abnormal condition, cosmetic disfigurement, or anatomical loss, caused by bodily injury, birth defect or illness, affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental disorder, such as mental retardation, organic brain syndrome, mental illness, specific learning disabilities, and other developmental disabilities, but (iii) excludes (A) sexual preferences; (B) active alcoholism or drug addiction or abuse; and (C) any disorder, condition or disfigurement which is temporary in nature leaving no residual impairment.

b. 'Major life activities' means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, and learning.

c. 'Has a record of such an impairment' means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits major life activities.

d. 'Is regarded as having an impairment' means (i) has a physical or mental impairment that does not substantially limit major life activities but that is treated as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities because of the attitudes of others; or (iii) has none of the impairments defined in paragraph a. of this subdivision but is treated as having such an impairment.

(5) 'Handicapping condition' means any condition or characteristic that renders a person a handicapped person.

(6) 'Labor organization' means an organization of any kind, an agency or employee representation committee, a group association, or a plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.

(7) 'Person' includes any individual, partnership, association, corporation, labor organization, legal representative, trustee, receiver, and the State and its departments, agencies, and political subdivisions.

(8) 'Place of public accommodations' includes, but is not limited to, any place, facility, store, other establishment, hotel, or motel, which supplies

goods or services on the premises to the public or which solicits or accepts the patronage or trade of any person.

(9) 'Qualified handicapped person' means:

a. With regard to employment, a handicapped person who can satisfactorily perform the duties of the job in question, with or without reasonable accommodation, (i) provided that the handicapped person shall not be held to standards of performance different from other employees similarly employed, and (ii) further provided that the handicapping condition does not create an unreasonable risk to the safety or health of the handicapped person, other employees, the employer's customers, or the public;

b. With regard to places of public accommodation a handicapped person who can benefit from the goods or services provided by the place of public accommodation; and

c. With regard to public services and public transportation a handicapped person who meets prerequisites for participation that are uniformly applied to all participants, such as income or residence, and that do not have the effect of discriminating against the handicapped.

(10) 'Reasonable accommodation' means:

a. With regard to employment, making reasonable physical changes in the workplace, including, but not limited to, making facilities accessible, modifying equipment and providing mechanical aids to assist in operating equipment, or making reasonable changes in the duties of the job in question that would accommodate the known handicapping conditions of the handicapped person seeking the job in question by enabling him or her to satisfactorily perform the duties of that job; provided that 'reasonable accommodation' does not require that an employer:

1. hire one or more employees, other than the handicapped person, for the purpose, in whole or in part, of enabling the handicapped person to be employed; or
2. reassign duties of the job in question to other employees without assigning to the handicapped employee duties that would compensate for those reassigned; or
3. reassign duties of the job in question to one or more other employees where such reassignment would increase the skill, effort or responsibility required of such other employee or employees from that required prior to the change in duties; or
4. alter, modify, change or deviate from bona fide seniority policies or practices; or
5. provide accommodations of a personal nature, including, but not limited to, eyeglasses, hearing aids, or prostheses, except under the same terms and conditions as such items are provided to the employer's employees generally; or
6. make physical changes to accommodate a handicapped person where:

I. for a new employee the cost of such changes would exceed five percent (5%) of the annual salary or annualized hourly wage for the job in question; or

II. for an existing employee the cost of the changes would bring the total cost of physical changes made to accommodate the employee's handicapping conditions since the beginning of the employee's employment with the employer to greater than five percent (5%) of the employee's current salary or current annualized hourly wage; or

7. make any changes that would impose on the employer an undue hardship, provided that the costs of less than five percent (5%) of an employee's salary or annualized wage as determined in subsection (6) above shall be presumed not to be an undue hardship.

b. With regard to a place of public accommodations, making reasonable efforts to accommodate the handicapping conditions of a handicapped person, including, but not limited to, making facilities accessible to and usable by handicapped persons, redesigning equipment, provide mechanical aids or other assistance, or using alternative accessible locations, provided that reasonable accommodation does not require efforts which would impose an undue hardship on the entity involved.

"§ 168A-4. *Reasonable accommodation duties.*—(a) A qualified handicapped person requesting a reasonable accommodation must apprise the employer, employment agency, labor organization, or place of public accommodation of his or her handicapping condition, submit any necessary medical documentation, make suggestions for such possible accommodations as are known to such handicapped person, and cooperate in any ensuing discussion and evaluation aimed at determining possible or feasible accommodations.

(b) Once a qualified handicapped person has requested an accommodation, or if a potential accommodation is obvious in the circumstances, an employer, employment agency, labor organization or place of public accommodation shall investigate whether there are reasonable accommodations that can be made and make reasonable accommodations as defined in G.S. 168A-3(10).

"§ 168A-5. *Discrimination in employment; exemptions.*—(a) Discriminatory practices. It is a discriminatory practice for:

(1) An employer to fail to hire or consider for employment or promotion, to discharge, or otherwise to discriminate against a qualified handicapped person on the basis of a handicapping condition with respect to compensation or the terms, conditions, or privileges of employment;

(2) An employment agency to fail or refuse to refer for employment, or otherwise to discriminate against a qualified handicapped person on the basis of a handicapping condition;

(3) A person controlling an apprenticeship, on-the-job, or other training or retraining program, to discriminate against a qualified handicapped person on the basis of a handicapping condition in admission to, or employment in, a program established to provide apprenticeship or other training; or

(4) An employer or employment agency to require an applicant to identify himself as handicapped prior to a conditional offer of

employment; however, any employer may invite an applicant to identify himself as handicapped in order to act affirmatively on his behalf.

(5) An employer, labor organization, or employment agency to fail to meet the duties imposed on them by G.S. 168A-4(b).

(b) Exemptions. It is not a discriminatory action for an employer, employment agency, or labor organization:

(1) To make an employment decision on the basis of State and federal laws or regulations imposing physical, health, mental or psychological job requirements;

(2) To fail to hire, transfer or promote, or to discharge a handicapped person who has a history of drug abuse or who is unlawfully using drugs where the job in question is in an establishment that manufactures, distributes, dispenses, conducts research, stores, sells or otherwise handles controlled substances regulated by the North Carolina Controlled Substances Act, G.S. 90-86 *et seq.;*

(3) To fail to hire, transfer, or promote, or to discharge a handicapped person because the person has a communicable disease which would disqualify a non-handicapped person from similar employment;

(4) To fail to make reasonable accommodations where the handicapped person has not fulfilled the duties imposed by G.S. 168A-4;

(5) To inquire whether a person has the ability to perform the duties of the job in question;

(6) To require or request a person to undergo a medical examination, which may include a medical history, for the purpose of determining the person's ability or capacity to safely and satisfactorily perform the duties of available jobs for which the person is otherwise qualified, or to aid in determining possible accommodations for a handicapping condition, provided (i) that an offer of employment has been made on the condition that the person meets the physical and mental requirements of the job with or without reasonable accommodation; and (ii) that the examination, unless limited to determining the extent to which a person's handicapping condition would interfere with his or her ability or capacity to safely and satisfactorily perform the duties of the job in question or the possible accommodations for a handicapping condition, is required of all persons conditionally offered employment for the same position regardless of handicapping condition;

(7) To obtain medical information or to require or request a medical examination where such information or examination is for the purpose of establishing an employee health record;

(8) To administer pre-employment tests, provided that the tests (i) measure only job-related abilities, (ii) are required of all applicants for the same position unless such tests are limited to determining the extent to which a person's handicapping condition would interfere with his or her ability to safely and satisfactorily perform the duties of the job in question or the

possible accommodations for the job in question, and (iii) accurately measure the applicant's aptitude, achievement level, or whatever factors they purport to measure rather than reflecting the handicapped person's impaired sensory, manual or speaking skills except when those skills are requirements of the job in question, provided that an employer shall not be liable for improper testing which was administered by a State agency acting as an employment agency.

"§ 168A-6. *Discrimination in public accommodations.*—It is a discriminatory practice for a person to deny a qualified handicapped person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation on the basis of a handicapping condition. In the area of structural modifications, this section may be satisfied by compliance with the North Carolina Building Code.

"§ 168A-7. *Discrimination in public service.*—It is a discriminatory practice for a State department, institution, or agency, or any political subdivision of the State or any person that contracts with the above for the delivery of public services including but not limited to education, health, social services, recreation, and rehabilitation, to refuse to provide reasonable aids and adaptations necessary for a known qualified handicapped person to use or benefit from existing public services operated by such entity; provided that the aids and adaptations do not impose an undue hardship on the entity involved.

"§ 168A-8. *Discrimination in public transportation.*—It is a discriminatory practice for any transportation system providing transportation to the general public to fail to ensure access to and the benefits of public transportation to a qualified handicapped person; however, public transportation systems may use alternative methods to provide transportation for handicapped persons, as long as handicapped persons are offered transportation that, in relation to the transportation offered to other persons, is:

(1) In a similar geographic area of operation;
(2) For fares not greater in price;
(3) With similar or no restrictions as to trip purpose;
(4) With reasonable response time; and
(5) With similar hours of operations.

Nothing in this section shall apply to privately owned, local transit or transportation systems existing on October 1, 1985, or to interstate air carriers complying with federal regulations promulgated by the Civil Aeronautics Board and administered by the United States Department of Transportation.

"§ 168A-9. *Affirmative defenses.*—Any employer may assert affirmative defenses in any action brought under this Chapter. This section shall not create any inference that an employment action which is not listed as an affirmative defense is therefore, by implication, a discriminatory practice, so long as the employment action is not otherwise prohibited by this Chapter. The following is a non-exclusive list of affirmative defenses:

(a) The qualified handicapped person's failure to comply with or meet the employer's work rules and policies or performance standards, provided that such person is not held to rules or standards different from other non-handicapped employees similarly employed;

(b) The qualified handicapped person's excessive, willful or habitual tardiness or absence, provided that the standard used by the employer in determining whether such tardiness or absence is excessive is the same as that applied by the employer to non-handicapped employees similarly employed; or

(c) A bona fide seniority or merit system, or a system which measures earnings by quantity or quality of work or production, or differences in location of employment.

"§ 168A-10. *Retaliation prohibited.*—No employer shall discharge, expel, refuse to hire, or otherwise discriminate against any person or applicant for employment, nor shall any employment agency discriminate against any person, nor shall a labor organization discriminate against any member or applicant for membership because such person has opposed any practice made a discriminatory practice by this Chapter or because he has testified, assisted or participated in any manner in proceedings under this Chapter.

"§ 168A-11. *Civil action.*—(a) A handicapped person aggrieved by a discriminatory practice prohibited by G.S. 168A-5 through 168A-8, or a person aggrieved by conduct prohibited by G.S. 168A-10, may bring a civil action to enforce rights granted or protected by this Chapter against any person described in G.S. 168A-5 through 168A-8 or in G.S. 168A-10 who is alleged to have committed such practices or engaged in such conduct. The action shall be commenced in superior court in the county where the alleged discriminatory practice or prohibited conduct occurred or where the plaintiff or defendant resides. Such action shall be tried to the court without a jury.

(b) Any relief granted by the court shall be limited to declaratory and injunctive relief, including orders to hire or reinstate an aggrieved person or admit such person to a labor organization. In a civil action brought to enforce provisions of this Chapter relating to employment, the court may award back pay. Any such back pay liability shall not accrue from a date more than two years prior to the filing of an action under this Chapter. Interim earnings or amounts earnable with reasonable diligence by the aggrieved person shall operate to reduce the back pay otherwise allowable.

(c) No court shall have jurisdiction over an action filed under this Chapter where the plaintiff has commenced federal judicial or administrative proceedings under Section 503 or Section 504 of the Vocational Rehabilitation Act of 1973, 29 U.S.C. ++ 793 and 794, as amended, or federal regulations promulgated thereunder, involving or arising out of the facts and circumstances involved in the alleged discriminatory practice under this Chapter. If such proceedings are commenced after a civil action has been commenced under this Chapter, the State court's jurisdiction over the civil action shall end and the action shall be forthwith dismissed.

(d) In any civil action brought under this Chapter, the court, in its discretion, may award reasonable attorney's fees to the substantially prevailing party as part of costs.

"§ 168A-12. *Statute of limitations.*—A civil action brought pursuant to this Chapter shall be commenced within 180 days after the date on which the aggrieved person became aware or, with reasonable diligence, should have become aware of the alleged discriminatory practice or prohibited conduct."

Sec. 2. G.S. 126-16 is amended in the first sentence by deleting the words "physical disability" and substituting the phrase "handicapping condition as defined in G.S. 168A-3".

Sec. 3. G.S. 168-6 is repealed.

Sec. 4. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

S.B. 288 **CHAPTER 572**

AN ACT TO ESTABLISH CLEARER AND STRONGER STANDARDS FOR AGREEMENTS BETWEEN DOMESTIC INSURERS AND REINSURERS.

The General Assembly of North Carolina enacts:

Section 1. Article 6 of General Statutes Chapter 58 is amended by adding three new sections to read:

"§ 58-72.1. *Credit allowed a domestic ceding insurer.*—(a) As used in this section, in G.S. 58-72.2, and in G.S. 58-72.3:

(1) 'Insurer' includes an underwriting member of an insurance exchange.
(2) 'Liability' includes all reserves.
(3) 'Same standards of solvency' means, at a minimum, the capital and surplus requirements applicable to a domestic insurer transacting the same lines of insurance or reinsurance.

(b) Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only when:

(1) The reinsurance is ceded to an assuming insurer that is licensed to transact insurance or reinsurance or otherwise accredited as a reinsurer in this State; or licensed in at least one state that employs standards regarding credit for reinsurance substantially similar to those applicable under this subsection and the assuming insurer conforms to the same standards of solvency that would be required of the insurer if it were licensed in this State; or
(2) The reinsurance is ceded to an assuming insurer that maintains a trust fund in a United States bank or trust company for the payment of the valid claims of its United States policyholders and ceding insurers and their assigns and successors in interest. To enable the Commissioner to determine the sufficiency of the trust fund, the assuming insurer shall annually report to the

Commissioner information substantially the same as that required to be reported by licensed insurers on the National Association of Insurance Commissioners annual statement form. In the case of a single assuming insurer, the trust shall consist of a trusteed account representing the assuming insurer's liabilities attributable to business written in the United States and, in addition, shall include a trusteed surplus of not less than twenty million dollars ($20,000,000). In the case of a group of individual unincorporated underwriters, the trust shall consist of a trusteed account representing the group's liabilities attributable to business written in the United States and, in addition, shall include a trusteed surplus of not less than one hundred million dollars ($100,000,000); and the group shall make available to the Commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants. This trust shall be established in a form approved by the Commissioner in a United States bank or trust company that is a member of the Federal Reserve System. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in the trustees of the trust for its United States policyholders and ceding insurers and their assigns and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the Commissioner. The trust described in this subdivision must remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust.

No later than February 28 of each year the trustees of the trust shall report to the Commissioner in writing, set forth the balance of the trust, and list the trust's investments at the preceding year's end; and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the following December 31; or

(3) The reinsurance is ceded to an assuming insurer not meeting the requirements of subdivisions (1) or (2) of this subsection, but only with respect to the insurance of risks located in jurisdictions other than the United States where such reinsurance is required by applicable law or regulation of that jurisdiction; and

(4) The reinsurance is documented by a policy, certificate, treaty, or other form of agreement that is properly executed by an authorized officer of the assuming insurer. In the event that the reinsurance is ceded through an underwriting manager or agent, the manager or agent shall provide to the domestic ceding insurer evidence of his authority to assume reinsurance for and on behalf of the assuming insurer. The evidence shall consist of either an acceptable letter of authority executed by an authorized officer of the assuming insurer or a copy of the actual agency agreement between the underwriting manager or agent and the assuming

insurer; and the evidence shall be specific as to the classes of business within the authority and as to the term of the authority.

(c) If the assuming insurer is not licensed or accredited to transact insurance or reinsurance in this State, the credit permitted by subdivisions (b)(1) and (b)(2) of this section shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(1) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, will submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give that court jurisdiction, and will abide by the final decision of that court, or of any appellate court in the event of an appeal; and

(2) That the assuming insurer will designate the Commissioner as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding company.

This subsection shall not conflict with the obligation of parties to a reinsurance agreement to arbitrate their disputes, if such an obligation is created in the agreement.

"§ 58-72.2. *Reduction from liability for reinsurance ceded to an assuming insurer.*—A reduction from liability for reinsurance ceded to an assuming insurer that does not meet the requirements of G.S. 58-72.1 shall be allowed in an amount that does not exceed the liabilities carried by the ceding insurer for funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations under the contract, if that security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; and, in the case of a trust, held in a United States bank or trust company that is a member of the Federal Reserve System. This security may be in the form of:

(1) Cash;

(2) Securities that are listed by the Securities Valuation Office of the National Association of Insurance Commissioners and that are qualified as admitted assets;

(3) Clean, irrevocable, unconditional letters of credit, issued or confirmed by a bank or trust company that is a member of the Federal Reserve System; or

(4) Any other form of security that is acceptable to the Commissioner.

"§ 58-72.3. *Insolvency of ceding insurer; exceptions.*—No credit shall be allowed, as an admitted asset or as a deduction from liability, to any ceding insurer for reinsurance, unless the reinsurance is payable by the assuming insurer, on the basis of claims allowed against the ceding insurer under the contract or contracts reinsured without diminution because of the insolvency of the ceding insurer, directly to the ceding insurer or to its domiciliary receiver except (1) where the contract specifically provides for another payee of the reinsurance in the event of the insolvency of the ceding insurer or (2) where the assuming insurer, with the consent of the

direct insured or insureds, has assumed the policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under the policies and in substitution for the obligations of the ceding insurer to the payees."

Sec. 2. G.S. 58-39.3 is repealed.

Sec. 3. G.S. 58-155.11(b) is amended in the second line by inserting after "contracts" the following:

", including reinsurance contracts or treaties".

Sec. 4. G.S. 58-155.1(b) is amended in the fifth line by changing the comma after "section" to a period and by striking the rest of the subsection.

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

S.B. 296 **CHAPTER 573**

AN ACT TO EXTINGUISH ANCIENT MINERAL CLAIMS AND TO REQUIRE THE RECORDATION AND LISTING OF THESE CLAIMS FOR TAXATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-42.9 is amended by changing the calendar dates, wherever they appear, to "January 1, 1986".

Sec. 2. This act does not revive any interests rendered ineffective under the provisions of G.S. 1-42.1 through G.S. 1-42.8 and G.S. 1-42.9. Nor does this act extend the time established in Chapter 502 of the 1983 Session Laws for preserving and keeping effective any fee simple interest in oil, gas, or minerals founded upon any reservation or exception contained in an instrument conveying the surface estate in fee simple that was executed or recorded at least 30 years or more prior to September 1, 1983, if the board of county commissioners where the land lies published the notice required by Chapter 502 of the 1983 Session Laws.

This act shall not affect those who have heretofore complied with the provisions of Chapter 502 of the 1983 Session Laws, and no further notice need be filed and recorded in the office of the Register of Deeds.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

S.B. 433 **CHAPTER 574**

AN ACT TO ADD ADULTERY AS A GROUND FOR DIVORCE FROM BED AND BOARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-7 is amended by inserting the words "if either party" between the word "cases" and the colon on the second line, and by rewriting subdivision (1) to read:

"(1) Abandons his or her family."

Sec. 2. G.S. 50-7 is further amended by adding a new subdivision to the end to read:

"(6) Commits adultery."

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

S.B. 574 **CHAPTER 575**

AN ACT TO PERMIT VISITATION RIGHTS OF A BIOLOGICAL GRANDPARENT FOLLOWING ADOPTION OF THE GRANDCHILD BY A RELATIVE OR STEPPARENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 48-23 is amended by inserting between subdivisions (2) and (3) a new subdivision (2a) to read:

"(2a) Notwithstanding subdivisions (1) and (2), a biological grandparent is entitled to visitation rights with the adopted child as provided in G.S. 50-13.2(b1), 50-13.2A, and 50-13.5(j)."

Sec. 2. Chapter 50 of the General Statutes is amended by adding a new section to read:

"§ 50-13.2A. *Action for visitation of an adopted grandchild.*—A biological grandparent may institute an action or proceeding for visitation rights with a child adopted by a stepparent or a relative of the child where a substantial relationship exists between the grandparent and the child. Under no circumstances shall a biological grandparent of a child adopted by adoptive parents, neither of whom is related to the child and where parental rights of both biological parents have been terminated, be entitled to visitation rights. A court may award visitation rights if it determines that visitation is in the best interest of the child. An order awarding visitation rights shall contain findings of fact which support the determination by the judge of the best interest of the child. Procedure, venue, and jurisdiction shall be as in an action for custody."

Sec. 3. G.S. 50-13.2(b1) is amended by adding a new sentence at the end to read:

"As used in this subsection, 'grandparent' includes a biological grandparent of a child adopted by a stepparent or a relative of the child where a substantial relationship exists between the grandparent and the child. Under no circumstances shall a biological grandparent of a child adopted by adoptive parents, neither of whom is related to the child and where parental rights of both biological parents have been terminated, be entitled to visitation rights."

Sec. 4. G.S. 50-13.5(j) is amended by adding a new sentence at the end to read:

"As used in this subsection, 'grandparent' includes a biological grandparent of a child adopted by a stepparent or a relative of the child where a substantial relationship exists between the grandparent and the child. Under no circumstances shall a biological grandparent of a child adopted by adoptive parents, neither of whom is related to the child and

where parental rights of both biological parents have been terminated, be entitled to visitation rights."

Sec. 5. This act shall become effective October 1, 1985, and shall apply to pending litigation and actions or proceedings filed on or after that date, whether the adoption was final before or after October 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

S.B. 578 **CHAPTER 576**

AN ACT TO AMEND G.S. 143-138(h).

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-138(h) is rewritten to read:

"(h) Violations. Any person who shall be adjudged to have violated this Article or the North Carolina State Building Code, except for violations of occupancy limits established by either, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine, not to exceed fifty dollars ($50.00), for each offense. Each 30 days that such violation continues shall constitute a separate and distinct offense. Violation of occupancy limits established pursuant to the North Carolina State Building Code shall be a misdemeanor subject to a one hundred dollar ($100.00) fine for a first offense, a two hundred fifty dollar ($250.00) fine for a second offense, and a five hundred dollar ($500.00) fine and up to 30 days imprisonment for a third and any subsequent offenses. Any violation incurred more than one year after another conviction for violation of the occupancy limits shall be treated as a first offense for purposes of establishing and imposing penalties. In case any building or structure is erected, constructed or reconstructed, or its purpose altered, so that it becomes in violation of the North Carolina State Building Code or if the occupancy limits established pursuant to the North Carolina State Building Code are exceeded, either the local enforcement officer or the State Commissioner of Insurance or other State official with responsibility under G.S. 143-139 may, in addition to other remedies, institute any appropriate action or proceedings including the civil remedies set out in G.S. 160A-175 and G.S. 153A-123, (i) to prevent such unlawful erection, construction or reconstruction or alteration of purpose, or overcrowding, (ii) to restrain, correct, or abate such violation, or (iii) to prevent the occupancy or use of said building, structure or land until such violation is corrected."

Sec. 2. G.S. 69-4 is hereby amended by rewriting the second sentence thereof to read as follows:

"When any of such officers find in any building or upon any premises overcrowding in violation of occupancy limits established pursuant to the North Carolina State Building Code, combustible material or inflammable conditions dangerous to the safety of such building or premises they shall order the same to be removed or remedied, and this order shall be forthwith complied with by the owner or occupant of such buildings or premises."

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

S.B. 721 **CHAPTER 577**

AN ACT TO CLARIFY THE STATUTES WHICH PROHIBIT DAMAGE TO RAILROADS AND THEIR PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-278 is amended as follows:

(1) by deleting the language "If any person shall unlawfully and willfully" and substituting the language "It shall be unlawful for any person to willfully"; and

(2) by inserting the word "and" between the last comma and the word "the".

Sec. 2. G.S. 14-279 is rewritten to read:

"Any person who, without intent to cause injury to any person or damage to equipment, commits any of the acts referred to in G.S. 14-278 shall be guilty of a misdemeanor."

Sec. 3. G.S. 14-280 is amended by deleting the words "and unlawfully".

Sec. 4. This act shall become effective October 1, 1985, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

H.B. 589 **CHAPTER 578**

AN ACT TO REQUIRE RECORDATION OF TIME SHARE INSTRUMENTS AND TO PROVIDE OTHER PROTECTIONS FOR TIME SHARE PURCHASERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 93A-41 is amended by adding four subdivisions to read:

"(5a) 'Independent escrow agent' means a licensed attorney located in this State or a financial institution located in this State;

(7a) 'Project broker' means a natural person licensed as a real estate broker and designated by the developer to supervise brokers and salesmen at the time share project;

(9a) 'Time share instrument' means an instrument transferring a time share or any interest, legal or beneficial, in a time share to a purchaser, including a contract, installment contract, lease, deed, or other instrument;

(11a) 'Time share registrar' means a natural person who is designated by the developer to record or cause time share instruments and lien releases to be recorded and to fulfill the other duties imposed by this Article;".

Sec. 2. G.S. 93A-42(b) is amended by inserting the words "time share" between the words "the" and "instrument" in the first sentence;

and by deleting the word "document" in the second sentence and substituting the words "time share instrument".

Sec. 3. G.S. 93A-42 is amended by adding at the end new subsections (c), (d), (e), and (f) to read:

"(c) The developer shall record or cause to be recorded a time share instrument:

(1) not less than six days nor more than 45 days following the execution of the contract of sale by the purchaser; or

(2) not later than 120 days following the execution of the contract of sale by the purchaser, provided that all payments made by the purchaser shall be placed by the developer with an independent escrow agent upon the expiration of the 10-day escrow period provided by G.S. 93A-45(c).

(d) The independent escrow agent provided by G.S. 93A-42(c)(2) shall deposit and maintain the purchaser's payments in an insured trust or escrow account in a bank or savings and loan association located in this State. The independent escrow agent shall return all payments to the purchaser at the expiration of 120 days following the execution of the contract of sale by the purchaser, unless prior to that time the time share instrument has been recorded. Upon recordation of the time share instrument, the independent escrow agent shall pay the purchaser's funds to the developer. Upon request by the Commission, the independent escrow agent shall promptly make available to the Commission inspection of records of money held by him.

(e) In no event shall the developer be required to record a time share instrument if the purchaser is in default of his obligations.

(f) Recordation under the provisions of this section of the time share instrument shall constitute delivery of that instrument from the developer to the purchaser."

Sec. 4. G.S. 93A-45(a) is amended by deleting the last sentence of that subsection and substituting the following:

"The purchaser may not waive this right of cancellation. Any oral or written declaration or instrument that purports to waive this right of cancellation is void."

Sec. 5. G.S. 93A-52(d) is amended by deleting the phrase "seven hundred fifty dollars ($750.00)" and substituting the phrase "one thousand five hundred dollars ($1,500)".

Sec. 6. G.S. 93A-54(a) is amended as follows:

(1) by deleting the words "or any developer" in the second sentence of the first paragraph and substituting ", developer, or project broker"; and

(2) by deleting the words "or developer" in the third sentence of the first paragraph and substituting ", developer, or project broker"; and

(3) by rewriting the second paragraph to read:

"The Commission shall have the power to suspend or revoke at any time a real estate license issued to a time share salesman or project broker, or a certificate of registration of a time share project issued to a developer; or to reprimand or censure such salesman, developer, or project broker; or to fine such developer in the amount of five hundred dollars ($500.00)

for each violation of this Article, if, after a hearing, the Commission adjudges either the salesman, developer, or project broker to be guilty of:".

Sec. 7. G.S. 93A-54(a)(9) is amended by inserting between the word "Article" and the semicolon the following:

"or failing to place with an independent escrow agent the funds of a time share purchaser when required by G.S. 93A-42(c)".

Sec. 8. G.S. 93A-54(a)(13) is amended by deleting the phrase "registration; or" and substituting the phrase "registration;".

Sec. 9. G.S. 93A-54(a)(14) is amended by deleting the phrase "Commission." and substituting the phrase "Commission;".

Sec. 10. G.S. 93A-54(a) is amended by adding at the end new subdivisions (15) and (16) to read:

"(15) Failing to record or cause to be recorded a time share instrument as required by G.S. 93A-42(c), or failing to provide a purchaser the protection against liens required by G.S. 93A-57(a); or

(16) Failing as a time share project broker to exercise reasonable and adequate supervision of the conduct of sales at his project or location by the brokers and salesmen under his control."

Sec. 11. G.S. 93A-56 is rewritten to read:

"§ 93A-56. *Penalty for violation of Article.*—Except as provided in G.S. 93A-58, any person violating the provisions of this Article shall be guilty of a misdemeanor and shall be punished by a fine, imprisonment, or both, in the discretion of the court."

Sec. 12. G.S. 93A-57(a) is rewritten to read:

"(a) Prior to any recordation of the instrument transferring a time share, the developer shall record and furnish notice to the purchaser of a release or subordination of all liens affecting that time share, or shall provide a surety bond or insurance against the lien from a company acceptable to the Commission as provided for liens on real estate in this State, or such underlying lien document shall contain a provision wherein the lienholder subordinates its rights to that of a time share purchaser who fully complies with all of the provisions and terms of the contract of sale."

Sec. 13. Article 4 of Chapter 93A of the General Statutes is amended by adding at the end two new sections to read:

"§ 93A-58. *Registrar required; criminal penalties; project broker.*—(a) Every developer of a registered project shall, by affidavit filed with the Commission, designate a natural person to serve as time share registrar for its registered projects. The registrar shall be responsible for the recordation of time share instruments and the release of liens required by G.S. 93A-42(c) and G.S. 93A-57(a). A developer may, from time to time, change the designated time share registrar by proper filing with the Commission and by otherwise complying with this subsection. No sales or offers to sell shall be made until the registrar is designated for a time share project.

The registrar has the duty to ensure that the provisions of this Article are complied with in a time share project for which he is registrar. No registrar shall record a time share instrument except as provided by this Article.

(b) A time share registrar shall be guilty of a Class J felony if he knowingly or recklessly fails to record or cause to be recorded a time share instrument as required by this Article.

(c) The developer shall designate for each project and other locations where time shares are sold or offered for sale a project broker. The project broker shall act as supervising broker for all persons licensed as salesmen at the project or other location and shall directly, personally, and actively supervise all persons licensed as brokers or salesmen at the project or other location in a manner to reasonably ensure that the sale of time shares will be conducted in accordance with the provisions of this Chapter.

"§ 93A-59. *Preservation of time share purchaser's claims and defenses.*—(a) For one year following the execution of an instrument of indebtedness for the purchase of a time share, the purchaser of a time share may assert against the seller, assignee of the seller, or other holder of the instrument of indebtedness, any claims or defenses available against the developer or the original seller, and the purchaser may not waive the right to assert these claims or defenses in connection with a time share purchase. Any recovery by the purchaser on a claim asserted against an assignee of the seller or other holder of the instrument of indebtedness shall not exceed the amount paid by the purchaser under the instrument. A holder shall be the person or entity with the rights of a holder as set forth in G.S. 25-3-301.

(b) Every instrument of indebtedness for the purchase of a time share shall set forth the following provision in a clear and conspicuous manner:

'NOTICE

FOR A PERIOD OF ONE YEAR FOLLOWING THE EXECUTION OF THIS INSTRUMENT OF INDEBTEDNESS, ANY HOLDER OF THIS INSTRUMENT OF INDEBTEDNESS IS SUBJECT TO ALL CLAIMS AND DEFENSES WHICH THE PURCHASER COULD ASSERT AGAINST THE SELLER OF THE TIME SHARE. RECOVERY BY THE PURCHASER SHALL NOT EXCEED AMOUNTS PAID BY THE PURCHASER UNDER THIS INSTRUMENT.'"

Sec. 14. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

H.B. 778 **CHAPTER 579**

AN ACT TO REGULATE THE SUBMISSION OF LAWS AFFECTING ELECTIONS TO THE UNITED STATES ATTORNEY GENERAL AS REQUIRED BY SECTION FIVE OF THE VOTING RIGHTS ACT OF 1965.

The General Assembly of North Carolina enacts:

Section 1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 6B.
"Submission of Acts.

"§ 120-30.9A. *Purpose.*—The purpose of this Article is to ensure compliance with Section 5 of the Voting Rights Act of 1965 by designating certain officials who shall submit to the Attorney General of the United States any statute enacted by the General Assembly or action taken by any local government which affects any voting qualification, prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, in any jurisdiction covered by Section 5 of the Voting Rights Act of 1965.

"§ 120-30.9B. *Statewide statutes; State Board of Elections.*—The Executive Secretary-Director of the State Board of Elections shall submit to the Attorney General of the United States within 30 days of ratification all acts of the General Assembly that amend, delete, add to, modify or repeal any provision of Chapter 163 of the General Statutes or any other statewide legislation, except relating to Chapter 7A of the General Statutes, which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act of 1965.

"§ 120-30.9C. *The judicial system; Administrative Office of the Courts.*—The Administrative Officer of the Courts shall submit to the Attorney General of the United States within 30 days of ratification all acts of the General Assembly that amend, delete, add to, modify or repeal any provision of Chapter 7A of the General Statutes of North Carolina which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act of 1965.

"§ 120-30.9D. *Constitutional amendments; Secretary of State.*—The Secretary of State shall submit to the Attorney General of the United States within 30 days of ratification all acts of the General Assembly that amend the North Carolina Constitution and which constitute a 'change affecting voting' under Section 5 of the Voting Rights Act of 1965.

"§ 120-30.9E. *Counties; County Attorney.*—The County Attorney of any county covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the United States within 30 days of ratification or adoption any local acts of the General Assembly, actions of the County Board of Commissioners, or the County Board of Elections or any other county agency which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act of 1965 in that county.

"§ 120-30.9F. *Municipalities; municipal attorney.*—The municipal attorney of any municipality covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the United States within 30 days of ratification any local acts of the General Assembly, actions of the municipal governing body or municipal board of elections or any other municipal agency which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act of 1965 in that municipality.

"§ 120-30.9G. *School Administrative Units; Boards of Education Attorney.*—The attorney for any local board of education where that school administrative unit is covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the United States within 30 days of ratification any local acts of the General Assembly, or actions of the local boards of education which constitutes a 'change affecting voting' under

Section 5 of the Voting Rights Act of 1965 in that school administrative unit. If the change affecting voting is a merger of two or more school administrative units, the change shall be submitted jointly by the attorneys of the school administrative units involved, or by one of them by agreement of the attorneys involved."

Sec. 2. This act is effective upon ratification, except that any act which is covered by Article 6B of Chapter 120 of the General Statutes and which was enacted by the 1985 Session of the General Assembly prior to the date of ratification of this act shall be submitted within 30 days of ratification of this act.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

H.B. 866 **CHAPTER 580**

AN ACT TO ALLOW MUNICIPALITIES TO CREATE SEWER SERVICE DISTRICTS.

Whereas, counties may create sewer service districts but municipalities may not; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-536 is amended by adding a new subdivision to read:

"(3a) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems;".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

H.B. 1212 **CHAPTER 581**

AN ACT TO CLARIFY PARENT RESPONSIBILITY FOR SCHOOL FEES AND CHARGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-100 is amended by rewriting the second sentence as follows: "A pupil's parents or legal guardians may be charged damage fees for abuse or loss of textbooks under rules adopted by the State Board of Education."

Sec. 2. G.S. 115C-103 is amended by inserting the words, ", their parents or guardians," after the word "students".

Sec. 3. G.S. 115C-398 is rewritten as follows: "Students and their parents or legal guardians may be liable for damage to school buildings, furnishings and textbooks pursuant to the provisions of G.S. 115C-523, 115C-100 and 14-132."

Sec. 4. G.S. 115C-523 is amended by rewriting the second paragraph to read:

"Notwithstanding any other provision of law, the parents or legal guardians of any minor are liable for any gross negligence or willful damage or destruction of school property by that minor to the extent of five thousand dollars ($5,000). The Board of Education shall make written demand upon the parent or legal guardian as a prerequisite to bringing suit."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

H.B. 1384 **CHAPTER 582**

AN ACT TO AUTHORIZE THE DEPARTMENT OF HUMAN RESOURCES TO IMPOSE A REASONABLE FEE ON ALL HANDLERS OF HAZARDOUS WASTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-294(a) is amended by adding a new subdivision to read as follows:

"(7) Establish and collect annual fees from generators and transporters of hazardous waste and hazardous waste storage, treatment and disposal facilities regulated by this Article. The fees collected shall support the funding of the Department's hazardous waste management program. The maximum annual fee for each category shall be:

Generators	$600.00
Transporters	$600.00
Storage Facilities	$1200.00
Treatment Facilities	$1200.00
Disposal Facilities	$1200.00."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

H.B. 1385 **CHAPTER 583**

AN ACT TO CONFORM THE EXPIRATION DATE OF APPOINTMENTS TO THE NORTH CAROLINA AGRICULTURAL FACILITIES FINANCE AGENCY TO THOSE OF OTHER OFFICES.

The General Assembly of North Carolina enacts:

Section 1. Section 6 of Chapter 1070, Session Laws of 1983, is amended by deleting "May 21, 1985", and substituting "June 30, 1985".

Sec. 2. G.S. 122B-5(a) is amended by adding the following immediately after the fifth sentence "The subsequent appointments made by the General Assembly shall be made for two-year terms to begin July 1, 1985, and biennially thereafter. The appointments made by the Governor shall expire on June 30 of each year in which they are to expire, and subsequent appointments made by the Governor shall be made for terms to begin on July 1 of each year in which a term expires."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

H.B. 1395 **CHAPTER 584**

AN ACT TO CHANGE THE ELECTION DATE FOR THE POLK COUNTY BOARD OF EDUCATION FROM MAY TO NOVEMBER.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 845, Session Laws of 1973, is amended by adding the following at the end: "In 1986 and biennially thereafter, the election shall be held on the same date as the general election under G.S. 163-1 on Tuesday next after the first Monday in November."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

H.B. 1115 **CHAPTER 585**

AN ACT TO REQUIRE THE BOARD OF AGRICULTURE TO ADOPT REQUIREMENTS FOR APPLE GRADE STANDARDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-189.2(a) is rewritten to read:

"(a) Notwithstanding any other provision of law, the Board of Agriculture shall adopt requirements for apple grade standards. The apple grade standards shall include the requirements for maturity of the United States standards for grades of apples and may employ the use of the refractometer to determine the sugar content and maturity of apples and the pressure test to determine the maturity of apples. All apples sold, offered for sale, or shipped into this State shall meet these requirements."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 99 **CHAPTER 586**

AN ACT TO PERMIT DISABLED VETERANS TO PARK IN HANDICAPPED SPACES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-37.6(e)(1) is amended by deleting the period and substituting: "or a disabled veteran registration plate issued pursuant to G.S. 20-81.4."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 606 **CHAPTER 587**

AN ACT TO AMEND G.S. 20-116 RELATING TO THE LENGTH OF CERTAIN VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. Subsection (e) of G.S. 20-116 is amended by rewriting the language preceding the phrase "Said length limitation" to read:

"(e) Except as provided by G.S. 20-115.1, no combination of vehicles coupled together shall consist of more than two units and no such combination of vehicles shall exceed a total length of 60 feet inclusive of front and rear bumpers, subject to the following exceptions:".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 696 **CHAPTER 588**

AN ACT TO PROVIDE THAT AN INDIGENT DEFENDANT'S COMPETENCY EVALUATION REPORT WILL NOT BE FORWARDED TO THE DISTRICT ATTORNEY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1002(d) is amended in the second sentence by deleting the phrase ", and to the district attorney" and substituting the words "provided, if the question of the defendant's capacity to proceed is raised at any time, a copy of the full report must be forwarded to the district attorney."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 58 **CHAPTER 589**

AN ACT TO RECODIFY THE MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Chapter 122 of the General Statutes is repealed.

Sec. 2. The General Statutes are amended by adding a new Chapter to read:

"Chapter 122C.
"Mental Health, Mental Retardation,
and Substance Abuse Act of 1985.
"Article 1.
"General Provisions.

"§ 122C-1. *Short title.*—This Chapter may be cited as the Mental Health, Mental Retardation, and Substance Abuse Act of 1985.

"§ 122C-2. *Policy.*—The policy of the State is to assist individuals with mental illness, mental retardation, and substance abuse problems in ways consistent with the dignity, rights, and responsibilities of all North Carolina citizens. Within available resources it is the obligation of State and local government to provide services to eliminate, reduce, or prevent the disabling effects of mental illness, mental retardation, and substance abuse through a service delivery system designed to meet the needs of clients in the least restrictive available setting, if the least restrictive setting is therapeutically most appropriate, and to maximize their quality of life.

State and to local governments shall develop and maintain a unified system of services centered in area programs. The public service system will strive to provide a continuum of services for clients while considering the availability of services in the private sector.

The furnishing of services to implement the policy of this section requires the cooperation and financial assistance of counties, the State, and the federal government.

"§ 122C-3. *Definitions.*—As used in this Chapter, unless another meaning is specified or the context clearly requires otherwise, the following terms have the meanings specified:

(1) 'Area authority' means the area mental health, mental retardation, and substance abuse authority.

(2) 'Area board' means the area mental health, mental retardation, and substance abuse board.

(3) 'Camp Butner reservation' means the original Camp Butner reservation as may be designated by the Secretary as having been acquired by the State and includes not only areas which are owned and occupied by the State but also those which may have been leased or otherwise disposed of by the State.

(4) 'City' has the same meaning as in G.S. 153A-1(1).

(5) 'Catchment area' means the geographic part of the State served by a specific area authority.

(6) 'Client' means an individual who is admitted to and receiving service from, or who in the past had been admitted to and received services from, a facility.

(7) 'Client advocate' means a person whose role is to monitor the protection of client rights or to act as an individual advocate on behalf of a particular client in a facility.

(8) 'Commission' means the Commission for Mental Health, Mental Retardation, and Substance Abuse Services, established under Part 4 of Article 3 of Chapter 143B of the General Statutes.

(9) 'Confidential information' means any information, whether recorded or not, relating to an individual served by a facility that was received in connection with the performance of any function of the facility. 'Confidential information' does not include statistical information from reports and records or information regarding treatment or services which is shared for training, treatment, habilitation, or monitoring purposes that does not identify clients either directly or by reference to publicly known or available information.

(10) 'County of Residence' of a client means the county of his domicile at the time of his admission or commitment to a facility. A county of residence is not changed because an individual is temporarily out of his county in a facility or otherwise.

(11) 'Dangerous to himself or others' means:

a. 'Dangerous to himself' means that within the recent past:

1. The individual has acted in such a way as to show:

I. That he would be unable, without care, supervision, and the continued assistance of others not otherwise available, to exercise self-control, judgment, and discretion in the conduct of his daily responsibilities and social relations, or to satisfy his need for nourishment, personal or medical care, shelter, or self-protection and safety; and

II. That there is a reasonable probability of his suffering serious physical debilitation within the near future unless adequate treatment is given pursuant to this Chapter. A showing of behavior that is grossly irrational, of actions that the individual is unable to control, of behavior that is grossly inappropriate to the situation, or of other evidence of severely impaired insight and judgment shall create a *prima facie* inference that the individual is unable to care for himself; or

2. The individual has attempted suicide or threatened suicide and that there is a reasonable probability of suicide unless adequate treatment is given pursuant to this Chapter; or

3. The individual has mutilated himself or attempted to mutilate himself and that there is a reasonable probability of serious self-mutilation unless adequate treatment is given pursuant to this Chapter.

Previous episodes of dangerousness to self, when applicable, may be considered when determining reasonable probability of physical debilitation, suicide, or self-mutilation.

b. 'Dangerous to others' means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct.

(12) 'Department' means the North Carolina Department of Human Resources.

(13) 'Division' means the Division of Mental Health, Mental Retardation and Substance Abuse Services of the Department.

(14) 'Facility' means any person at one location whose primary purpose is to provide services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the mentally retarded, or substance abusers, and includes:

a. An 'area facility', which is a facility that is operated by or under contract with the area authority. A facility that is providing services under contract with the area authority is an area facility for purposes of the contracted services only. Area facilities may also be licensable facilities in accordance with Article 2 of this Chapter. A State facility is not an area facility;
b. A 'licensable facility', which is a facility that provides services for one or more minors or for two or more adults. When the services offered are provided to individuals who are mentally ill or mentally retarded, these services shall be day services offered to the same individual for a period of three hours or more during a 24-hour period, or residential services provided for 24 consecutive hours or more. When the services offered are provided to individuals who are substance abusers, these services shall include all outpatient services, day services offered to the same individual for a period of three hours or more during a 24-hour period, or residential services provided for 24 consecutive hours or more. Facilities for individuals who are substance abusers include chemical dependency facilities;
c. A 'private facility', which is a facility that is either a licensable facility or a special unit of a general hospital or a part of either in which the specific service provided is not covered under the terms of a contract with an area authority;
d. The psychiatric service of North Carolina Memorial Hospital;
e. A 'residential facility', which is a 24-hour facility that is not a hospital, including a group home;
f. A 'State facility', which is a facility that is operated by the Secretary;
g. A '24-hour facility', which is a facility that provides a structured living environment and services for a period of 24 consecutive hours or more and includes hospitals that are facilities under this Chapter; and
h. A Veterans Administration facility or part thereof that provides services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the mentally retarded, or substance abusers.

(15) 'Guardian' means a person appointed as a guardian of the person or general guardian by the court under Chapters 7A, 33, or 35 of the General Statutes.
(16) 'Habilitation' means training, care, and specialized therapies undertaken to assist a client in maintaining his current level of functioning or in achieving progress in developmental skills areas.
(17) 'Incompetent adult' means an adult individual adjudicated incompetent.
(18) 'Intoxicated' means the condition of an individual whose mental or physical functioning is presently substantially impaired as a result of the use of alcohol or other substance.
(19) 'Law enforcement officer' means sheriff, deputy sheriff, police officer, State highway patrolman, or an officer employed by a city or county under G.S. 122C-302.

(20) 'Legally responsible person' means: (i) when applied to an adult, who has been adjudicated incompetent, a guardian, or an attorney-in-fact acting under a valid durable power of attorney that authorizes him to provide or consent to medical care and hospitalization for the principal; or (ii) when applied to a minor, a parent, guardian, a person standing *in loco parentis*, or a legal custodian other than a parent who has been granted specific authority in a custody order to consent for medical care, including psychiatric treatment.

(21) 'Mental illness' means: (i) when applied to an adult, an illness which so lessens the capacity of the individual to use self-control, judgment, and discretion in the conduct of his affairs and social relations as to make it necessary or advisable for him to be under treatment, care, supervision, guidance, or control; and (ii) when applied to a minor, a mental condition, other than mental retardation alone, that so lessens or impairs the youth's capacity either to develop or exercise age appropriate or age adequate self-control, judgment, or initiative in the conduct of his activities and social relationships as to make it necessary or advisable for him to be under treatment, care, supervision, guidance, or control.

(22) 'Mental retardation' means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested before age 22.

(23) 'Mentally retarded with accompanying behavior disorder' means an individual who is mentally retarded and who has a pattern of maladaptive behavior that is recognizable no later than adolescence and is characterized by gross outbursts of rage or physical aggression against other individuals or property.

(24) 'Next of kin' means the individual designated in writing by the client or his legally responsible person upon the client's acceptance at a facility; provided that if no such designation has been made, 'next of kin' means the client's spouse or nearest blood relation in accordance with G.S. 104A-1.

(25) 'Operating costs' means expenditures made by an area authority in the delivery of services for mental health, mental retardation, and substance abuse as provided in this Chapter and includes the employment of legal counsel on a temporary basis to represent the interests of the area authority.

(26) 'Operator' means the individual who is responsible for the management of a licensable facility.

(27) 'Outpatient treatment' as used in Part 7 of Article 5 means treatment in an outpatient setting and may include medication, individual or group therapy, day or partial day programming activities, services and training including educational and vocational activities, supervision of living arrangements, and any other services prescribed either to alleviate the individual's illness or disability, to maintain semi-independent functioning, or to prevent further deterioration that may reasonably be predicted to result in the need for inpatient commitment to a 24-hour facility.

(28) 'Person' means any individual, firm, partnership, corporation, company, association, joint stock association, agency, or area authority.

(29) 'Physician' means an individual licensed to practice medicine in North Carolina under Chapter 90 of the General Statutes or a licensed medical doctor employed by the Veterans Administration.

(30) 'Provider of support services' means a person that provides to a facility support services such as data processing, dosage preparation, laboratory analyses, or legal, medical, accounting, or other professional services, including human services.

(31) 'Qualified professional' means any individual with appropriate training or experience as specified by the General Statutes or by rule of the Commission in the fields of mental health or mental retardation or substance abuse treatment or habilitation, including physicians, psychologists, psychological associates, educators, social workers, registered nurses, and certified counselors.

(32) 'Responsible professional' means an individual within a facility who is designated by the facility director to be responsible for the care, treatment, habilitation, or rehabilitation of a specific client and who is eligible to provide care, treatment, habilitation, or rehabilitation relative to the client's disability.

(33) 'Secretary' means the Secretary of the Department.

(34) 'Single portal of entry and exit policy' means an admission and discharge policy for State and area facilities that may be adopted by an area authority and shall be approved by the Secretary before it is in force. The policy and its provisions shall be designed to promote quality client care in and among State and area facilities. Furthermore, the policy shall be designed to integrate otherwise independent facilities into a unified and coordinated system, in which system the area authority shall be responsible for assuring that the individual client can receive services from the facility that is best able to meet his needs. However, the policy may not be inconsistent with any other provisions of the General Statutes, nor may the policy include the complete exclusion of clients from admission to any specific State or area facility.

(35) 'Single portal area' means the county or counties that comprise the catchment area of an area authority that has adopted a single portal of entry and exit policy.

(36) 'Substance abuse' means the pathological use or abuse of alcohol or other drugs in a way or to a degree that produces an impairment in personal, social, or occupational functioning. 'Substance abuse' may include a pattern of tolerance and withdrawal.

(37) 'Substance abuser' means an individual who engages in substance abuse.

"§ 122C-4. *Use of phrase 'client or his legally responsible person'.*—Except as otherwise provided by law, whenever in this Chapter the phrase 'client or his legally responsible person' is used, and the client

is a minor or an incompetent adult, the duty or right involved shall be exercised not by the client, but by the legally responsible person.

"Article 2.
"Licensure of Facilities for the Mentally Ill, the Mentally Retarded, and Substance Abusers.

"§ 122C-21. *Purpose.*—The purpose of this Article is to provide for licensure of facilities for the mentally ill, mentally retarded, and substance abusers by the development, establishment, and enforcement of basic rules governing:

(1) The provision of services to individuals who receive services from licensable facilities as defined by this Chapter, and
(2) The construction, maintenance, and operation of these licensable facilities that in the light of existing knowledge will ensure safe and adequate treatment of these individuals.

"§ 122C-22. *Exclusions from licensure; deemed status.*—(a) The following are excluded from the provisions of this Article and are not required to obtain licensure under this Article:

(1) Physicians and psychologists duly licensed under Chapter 90 of the General Statutes and engaged in private office practice;
(2) General hospitals licensed under Article 5 of Chapter 131E of the General Statutes, that operate special units for the mentally ill, mentally retarded, or substance abusers;
(3) State and federally operated facilities;
(4) Domiciliary care homes licensed under Chapter 131D of the General Statutes;
(5) Developmental child day care centers licensed under Article 7 of Chapter 110 of the General Statutes;
(6) Persons subject to licensure under rules of the Social Services Commission;
(7) Persons subject to rules and regulations of the Division of Vocational Rehabilitation Services; and
(8) Facilities that provide occasional respite care for not more than two individuals at a time; provided that the primary purpose of the facility is other than as defined in G.S. 122C-3(14).

(b) If a licensable facility is certified by a nationally recognized agency, such as the Joint Commission on Accreditation of Hospitals, then the Commission may by rule deem the facility licensed under this Article. Any facility licensed under the provisions of this subsection shall continue to be subject to inspection by the Secretary.

"§ 122C-23. *Licensure.*—(a) No person shall establish, maintain, or operate a licensable facility for the mentally ill, mentally retarded or substance abusers without a current license issued by the Secretary.

(b) Each license is issued only for the premises named in the application and for the operator named in the application and shall not be transferable or assignable except with prior written approval of the Secretary.

(c) Any person who intends to establish, maintain, or operate a licensable facility shall apply to the Secretary for a license. The Secretary shall prescribe by rule the contents of the application forms.

(d) The Secretary shall issue a license if the Secretary finds that the operator complies with this Article and the rules of the Commission and Secretary.

(e) Unless a license is provisional or has been suspended or revoked, it shall be valid for a period not to exceed two years from the date of issue. The expiration date of a license shall be specified on the license when issued. Renewal of a regular license is contingent upon receipt of information required by the Secretary for renewal and continued compliance with this Article and the rules of the Commission and the Secretary.

A provisional license for a period not to exceed six months may be granted by the Secretary to a person who is temporarily unable to comply with a rule or rules. During this period the licensable facility shall correct the noncompliance based on a plan submitted to and approved by the Secretary. The noncompliance may not present an immediate threat to the health and safety of the individuals in the licensable facility. A provisional license for an additional period of time to meet the noncompliance may not be issued.

(f) Upon written application and in accordance with rules of the Commission, the Secretary may for good cause waive any of the rules implementing this Article, provided those rules do not affect the health, safety, or welfare of the individuals within the licensable facility. Decisions made pursuant to this subsection may be appealed to the Commission for a hearing in accordance with Chapter 150A of the General Statutes.

"§ 122C-24. *Adverse action on a license.*—(a) The Secretary may deny, suspend, amend, or revoke a license in any case in which the Secretary finds that there has been a substantial failure to comply with any provision of this Article or any rule adopted pursuant to it. Actions under this section and appeals of those actions shall be in accordance with rules of the Commission and Chapter 150A of the General Statutes.

(b) When an appeal is filed concerning the denial, suspension, amendment, or revocation of a license, a copy of the proposal for decision shall be sent to the Chairman of the Commission in addition to the parties specified in G.S. 150A-34. The Chairman or members of the Commission designated by the Chairman may submit for the Secretary's consideration written or oral comments concerning the proposal prior to the issuance of a final agency decision in accordance with G.S. 150A-36.

"§ 122C-25. *Inspections; confidentiality.*—(a) The Secretary shall make or cause to be made inspections that the Secretary considers necessary. Facilities licensed under this Article shall be subject to inspection at all times by the Secretary.

(b) Notwithstanding G.S. 8-53, G.S. 8-53.3 or any other law relating to confidentiality of communications involving a patient or client, in the course of an inspection conducted under this section, representatives of the Secretary may review any writing or other record concerning the admission, discharge, medication, treatment, medical condition, or history of any individual who is or has been a patient, resident, or client of a licensable facility and the personnel records of those individuals employed by the licensable facility.

A licensable facility, its employees, and any other individual interviewed in the course of an inspection are immune from liability for damages resulting from disclosure of any information to the Secretary.

Except as required by law, it is unlawful for the Secretary or an employee of the Department to disclose the following information to someone not authorized to receive the information:

(1) Any confidential or privileged information obtained under this section unless the client or his legally responsible person authorizes disclosure in writing; or

(2) The name of anyone who has furnished information concerning a licensable facility without the individual's consent.

Violation of this subsection is a misdemeanor punishable by a fine, not to exceed five hundred dollars ($500.00).

All confidential or privileged information obtained under this section and the names of persons providing this information are exempt from Chapter 132 of the General Statutes.

(c) The Secretary shall adopt rules regarding inspections, that, at a minimum, provide for:

(1) A general administrative schedule for inspections; and

(2) An unscheduled inspection without notice, if there is a complaint alleging the violation of any licensing rule adopted under this Article.

"§ 122C-26. *Powers of the Commission.*—In addition to other powers and duties, the Commission shall exercise the following powers and duties:

(1) Adopt, amend, and repeal rules consistent with the laws of this State and the laws and regulations of the federal government to implement the provisions and purposes of this Article;

(2) Issue declaratory rulings needed to implement the provisions and purposes of this Article;

(3) Adopt rules governing appeals of decisions to approve or deny licensure under this Article; and

(4) Adopt rules for the waiver of rules adopted under this Article.

"§ 122C-27. *Powers of the Secretary.*—The Secretary shall:

(1) Administer and enforce the provisions, rules, and decisions pursuant to this Article;

(2) Appoint hearing officers to conduct appeals under this Article;

(3) Prescribe by rule the contents of the application for licensure and renewal;

(4) Inspect facilities and records of each facility to be licensed under this Article under the rules and decisions pursuant to this Article;

(5) Issue a license upon a finding that the applicant and facility comply with the provisions of this Article and the rules of the Commission and the Secretary;

(6) Define by rule procedures for submission of periodic reports by facilities licensed under this Article;

(7) Grant, deny, suspend, or revoke a license under this Article;

(8) In accordance with rules of the Commission, make final agency decisions for appeals from the denial, suspension, or revocation of a license in accordance with G.S. 122C-24; and

(9) In accordance with rules of the Commission, grant waiver for good cause of any rules implementing this Article that do not affect the health, safety, or welfare of individuals within a licensable facility.

"§ 122C-28. *Penalties.*—Operating a licensable facility without a license is a misdemeanor and is punishable by a fine not to exceed fifty dollars ($50.00), for the first offense and a fine, not to exceed five hundred dollars ($500.00), for each subsequent offense. Each day's operation of a licensable facility without a license is a separate offense.

"§ 122C-29. *Injunction.*—(a) Notwithstanding the existence or pursuit of any other remedy, the Secretary may, in the way provided by law, maintain an action in the name of the State for injunction or other process against any person to restrain or prevent the establishment, conduct, management, or operation of a licensable facility operating without a license or in a way that threatens the health, safety, or welfare of the individuals in the licensable facility.

(b) If any individual interferes with the proper performance or duty of the Secretary in carrying out this Article, the Secretary may institute an action in the superior court of the county in which the interference occurred for injunctive relief against the continued interference, irrespective of all other remedies at law.

"Article 3.
"Clients' Rights.

"§ 122C-51. *Declaration of policy on clients' rights.*—It is the policy of the State to assure basic human rights to each client of a facility. These rights include the right to dignity, privacy, humane care, and freedom from mental and physical abuse, neglect, and exploitation. Each facility shall assure to each client the right to live as normally as possible while receiving care and treatment.

It is further the policy of this State that each client who is admitted to and is receiving services from a facility has the right to treatment, including access to medical care and habilitation, regardless of age or degree of mental illness, mental retardation, or substance abuse. Each client has the right to an individualized written treatment or habilitation plan setting forth a program to maximize the development or restoration of his capabilities.

"§ 122C-52. *Right to confidentiality.*—(a) Confidential information acquired in attending or treating a client is not a public record under Chapter 132 of the General Statutes.

(b) Except as authorized by G.S. 122C-53 through G.S. 122C-56, no individual having access to confidential information may disclose this information.

(c) Except as provided by G.S. 122C-53 through G.S. 122C-56, each client has the right that no confidential information acquired be disclosed by the facility.

(d) No provision of G.S. 122C-53 through G.S. 122C-56 permitting disclosure of confidential information may apply to the records of a client when federal statutes or regulations applicable to that client prohibit the disclosure of this information.

(e) Except as required or permitted by law, disclosure of confidential information to someone not authorized to receive the information is a misdemeanor and is punishable by a fine, not to exceed five hundred dollars ($500.00).

"§ 122C-53. *Exceptions; client.*—(a) A facility may disclose confidential information if the client or his legally responsible person consents in writing to the release of the information to a specified person. This release is valid for a specified length of time and is subject to revocation by the consenting individual.

(b) A facility may disclose the fact of admission or discharge of a client to the client's next of kin whenever the responsible professional determines that the disclosure is in the best interest of the client.

(c) Upon request a client shall have access to confidential information in his client record except information that would be injurious to the client's physical or mental well-being as determined by the attending physician or, if there is none, by the facility director or his designee. If the attending physician or, if there is none, the facility director or his designee has refused to provide confidential information to a client, the client may request that the information be sent to a physician or psychologist of the client's choice, and in this event the information shall be so provided.

(d) Except as provided by G.S. 90-21.4(b), upon request the legally responsible person of a client shall have access to confidential information in the client's record; except information that would be injurious to the client's physical or mental well-being as determined by the attending physician or, if there is none, by the facility director or his designee. If the attending physician or, if there is none, the facility director or his designee has refused to provide confidential information to the legally responsible person, the legally responsible person may request that the information be sent to a physician or psychologist of the legally responsible person's choice, and in this event the information shall be so provided.

(e) A client advocate's access to confidential information and his responsibility for safeguarding this information are as provided by subsection (g) of this section.

(f) As used in subsection (g) of this section, the following terms have the meanings specified:

(1) 'Internal client advocate' means a client advocate who is employed by the facility or has a written contractual agreement with the Department or with the facility to provide monitoring and advocacy services to clients in the facility in which the client is receiving services; and

(2) 'External client advocate' means a client advocate acting on behalf of a particular client with the written consent and authorization;

a. In the case of a client who is an adult and who has not been adjudicated incompetent under Chapters 33 or 35 of the General Statutes, of the client; or

b. In the case of any other client, of the client and his legally responsible person.

(g) An internal client advocate shall be granted, without the consent of the client or his legally responsible person, access to routine reports and other confidential information necessary to fulfill his monitoring and advocacy functions. In this role, the internal client advocate may disclose confidential information received to the client involved, to his legally responsible person, to the director of the facility or his designee, to other individuals within the facility who are involved in the treatment or habilitation of the client, or to the Secretary in accordance with the rules of the Commission. Any further disclosure shall require the written consent of the client and his legally responsible person. An external client advocate shall have access to confidential information only upon the written consent of the client and his legally responsible person. In this role, the external client advocate may use the information only as authorized by the client and his legally responsible person.

(h) In accordance with G.S. 122C-205, the facility shall notify the appropriate individuals upon the escape from and subsequent return of clients to a 24-hour facility.

(i) Upon the request of a client, a facility shall disclose to an attorney confidential information relating to that client.

"§ 122C-54. *Exceptions; abuse reports and court proceedings.*—(a) A facility shall disclose confidential information if a court of competent jurisdiction issues an order compelling disclosure.

(b) If an individual is a defendant in a criminal case and a mental examination of the defendant has been ordered by the court, the facility may send the results or the report of the mental examination to the clerk of court, to the district attorney or prosecuting officer, and to the attorney of record for the defendant as provided in G.S. 15A-1002(d).

(c) Certified copies of written results of examinations by physicians and records in the cases of clients voluntarily admitted or involuntarily committed and facing district court hearings and rehearings pursuant to Article 5 of this Chapter shall be furnished by the facility to the client's counsel, the attorney representing the State's interest, and the court. The confidentiality of client information shall be preserved in all matters except those pertaining to the necessity for admission or continued stay in the facility or commitment under review. The relevance of confidential information for which disclosure is sought in a particular case shall be determined by the court with jurisdiction over the matter.

(d) Any individual seeking confidential information contained in the court files or the court records of a proceeding made pursuant to Article 5 of this Chapter may file a written motion in the cause setting out why the information is needed. A district court judge may issue an order to disclose the confidential information sought if he finds the order is appropriate under the circumstances and if he finds that it is in the best interest of the individual admitted or committed or of the public to have the information disclosed.

(e) Upon the request of the legally responsible person or the minor admitted or committed, and after that minor has both been released and reached adulthood, the court records of that minor made in proceedings pursuant to Article 5 of this Chapter may be expunged from the files of the court. The minor and his legally responsible person shall be informed

in writing by the court of the right provided by this subsection at the time that the application for admission is filed with the court.

(f) A State facility and the psychiatric service of North Carolina Memorial Hospital may disclose confidential information to staff attorneys of the Attorney General's office whenever the information is necessary to the performance of the statutory responsibilities of the Attorney General's office or to its performance when acting as attorney for a State facility or the psychiatric service of North Carolina Memorial Hospital.

(g) A facility may disclose confidential information to an attorney who represents either the facility or an employee of the facility, if such information is relevant to litigation, to the operations of the facility, or to the provision of services by the facility. An employee may discuss confidential information with his attorney or with an attorney representing the facility in which he is employed.

(h) A facility may disclose confidential information for purposes of complying with Article 44 of Chapter 7A of the General Statutes and Article 6 of Chapter 108A of the General Statutes, or as required by other State or federal law.

"§ 122C-55. *Exceptions; care and treatment.*—(a) Any area or State facility or the psychiatric service of North Carolina Memorial Hospital may share confidential information regarding any client of that facility with any other area or State facility or the psychiatric service of North Carolina Memorial Hospital upon a written determination by the responsible professional possessing the information that the sharing of information is necessary for the appropriate and effective care and treatment of the client and that failure to share this information would be detrimental to the care and treatment of the client. Under the circumstances described in this subsection, the consent of the client or legally responsible person is not required for this information to be furnished, and the information may be furnished despite objection by the client.

(b) A facility, physician, or other individual responsible for evaluation, management, supervision, or treatment of respondents examined or committed for outpatient treatment under the provisions of Article 5 of this Chapter may request, receive, and disclose confidential information to the extent necessary to enable them to fulfill their responsibilities.

(c) A facility may furnish confidential information in its possession to the Department of Correction when requested by that department regarding any client of that facility when the inmate has been determined by the Department of Correction to be in need of treatment for mental illness, mental retardation, or substance abuse. The Department of Correction may furnish to a facility confidential information in its possession about treatment for mental illness, mental retardation, or substance abuse that the Department of Correction has provided to any present or former inmate if the inmate is presently seeking treatment from the requesting facility or if the inmate has been involuntarily committed to the requesting facility for inpatient or outpatient treatment. Under the circumstances described in this subsection, the consent of the client or inmate shall not be required in order for this information to be

furnished and the information shall be furnished despite objection by the client or inmate. Confidential information disclosed pursuant to this subsection is restricted from further disclosure.

(d) A responsible professional may disclose confidential information when in his opinion there is an imminent danger to the health or safety of the client or another individual or there is a likelihood of the commission of a felony or violent misdemeanor.

(e) A responsible professional may exchange confidential information with a physician or other health care provider who is providing emergency medical services to a client. Disclosure of the information is limited to that necessary to meet the emergency as determined by the responsible professional.

(f) A facility may disclose confidential information to a provider of support services whenever the facility has entered into a written agreement with a person to provide support services and the agreement includes a provision in which the provider of support services acknowledges that in receiving, storing, processing, or otherwise dealing with any confidential information, he will safeguard and not further disclose the information.

(g) Whenever there is reason to believe that the client is eligible for financial benefits through a governmental agency, a facility may disclose confidential information to State or federal government agencies. Disclosure is limited to that confidential information necessary to establish financial benefits for a client. After establishment of these benefits, the consent of the client or his legally responsible person is required for further release of confidential information under this subsection.

(h) Within a facility, employees, students, consultants or volunteers involved in the care, treatment, or habilitation of a client may exchange confidential information as needed for the purpose of carrying out their responsibility in serving the client.

(i) Upon specific request, a responsible professional may release confidential information to a physician or practicing psychologist who referred the client to the facility.

"§ 122C-56. *Exceptions; research and planning.*—(a) The Secretary may require information that does not identify clients from State and area facilities for purposes of preparing statistical reports of activities and services and for planning and study. The Secretary may also receive confidential information from State and area facilities when specifically required by other State or federal law.

(b) The Secretary may have access to confidential information from private or public agencies or agents for purposes of research and evaluation in the areas of mental health, mental retardation, and substance abuse. No confidential information shall be further disclosed.

(c) A facility may disclose confidential information to persons responsible for conducting general research or clinical, financial, or administrative audits if there is a justifiable documented need for this information. A person receiving the information may not directly or indirectly identify any client in any report of the research or audit or otherwise disclose client identity in any way.

"§ 122C-57. *Right to treatment and consent to treatment.*—(a) Each client who is admitted to and is receiving services from a facility has the right to receive age-appropriate treatment for mental health, mental retardation, and substance abuse illness or disability. Each client within 30 days of admission to a facility shall have an individual written treatment or habilitation plan implemented by the facility. The client and his legally responsible person shall be informed in advance of the potential risks and alleged benefits of the treatment choices.

(b) Each client has the right to be free from unnecessary or excessive medication. Medication shall not be used for punishment, discipline, or staff convenience.

(c) Medication shall be administered in accordance with accepted medical standards and only upon the order of a physician as documented in the client's record.

(d) Each voluntarily admitted client or his legally responsible person has the right to consent to or refuse any treatment offered by the facility. Consent may be withdrawn at any time by the person who gave the consent. If treatment is refused, the qualified professional shall determine whether treatment in some other modality is possible. If all appropriate treatment modalities are refused, the voluntarily admitted client may be discharged. In an emergency, a voluntarily admitted client may be administered treatment or medication, other than those specified in subsection (f) of this section, despite the refusal of the client or his legally responsible person. The Commission may adopt rules to provide a procedure to be followed when a voluntarily admitted client refuses treatment.

(e) In the case of an involuntarily committed client, treatment measures other than those requiring express written consent as specified in subsection (f) of this section may be given despite the refusal of the client or his legally responsible person in the event of an emergency or when consideration of side effects related to the specific treatment measure is given and in the professional judgment, as documented in the client's record, of the treating physician and a second physician, who is either the director of clinical services of the facility, or his designee, either:

(1) the client, without the benefit of the specific treatment measure, is incapable of participating in any available treatment plan which will give him a realistic opportunity of improving his condition; or

(2) there is, without the benefit of the specific treatment measure, a significant possibility that the client will harm himself or others before improvement of his condition is realized.

(f) Treatment involving electroshock therapy, the use of experimental drugs or procedures, or surgery other than emergency surgery may not be given without the express and informed written consent of the client or his legally responsible person. This consent may be withdrawn at any time by the person who gave the consent. The Commission may adopt rules specifying other therapeutic and diagnostic procedures that require the express and informed written consent of the client or his legally responsible person prior to their initiation.

"§ 122C-58. *Civil rights and civil remedies.*—Except as otherwise provided in this Chapter, each adult client of a facility keeps the same right as any other citizen of North Carolina to exercise all civil rights, including the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, register and vote, bring civil actions, and marry and get a divorce, unless the exercise of a civil right has been precluded by an unrevoked adjudication of incompetency. This section shall not be construed as validating the act of any client who was in fact incompetent at the time he performed the act.

"§ 122C-59. *Use of corporal punishment.*—Corporal punishment may not be inflicted upon any client.

"§ 122C-60. *Use of physical restraints or seclusion.*—(a) Physical restraint or seclusion of a client shall be employed only when there is imminent danger of abuse or injury to himself or others, when substantial property damage is occurring, or when the restraint or seclusion is necessary as a measure of therapeutic treatment. All instances of restraint or seclusion and the detailed reasons for such action shall be documented in the client's record. Each client who is restrained or secluded shall be observed frequently, and a written notation of the observation shall be made in the client's record.

(b) The Commission may adopt rules to implement this section.

"§ 122C-61. *Treatment rights in 24-hour facilities.*—In addition to the rights set forth in G.S. 122C-57, each client who is receiving services at a 24-hour facility has the following rights:

(1) The right to receive necessary treatment for and prevention of physical ailments based upon the client's condition and projected length of stay. The facility may seek to collect appropriate reimbursement for its costs in providing the treatment and prevention; and

(2) The right to have, as soon as practical during treatment or habilitation but not later than the time of discharge, an individualized written discharge plan containing recommendations for further services designed to enable the client to live as normally as possible. A discharge plan may not be required when it is not feasible because of an unanticipated discontinuation of a client's treatment. With the consent of the client or his legally responsible person, the professionals responsible for the plans shall contact appropriate agencies at the client's destination or in his home community before formulating the recommendations. A copy of the plan shall be furnished to the client or to his legally responsible person and, with the consent of the client, to the client's next of kin.

"§ 122C-62. *Additional rights in 24-hour facilities.*—(a) In addition to the rights enumerated in G.S. 122C-51 through G.S. 122C-61, each adult client who is receiving treatment or habilitation in a 24-hour facility keeps the right to:

(1) Send and receive sealed mail and have access to writing material, postage, and staff assistance when necessary;

(2) Contact and consult with, at his own expense and at no cost to the facility, legal counsel, private physicians, and private mental

health, mental retardation, or substance abuse professionals of his choice; and

(3) Contact and consult with a client advocate if there is a client advocate.

The rights specified in this subsection may not be restricted by the facility and each adult client may exercise these rights at all reasonable times.

(b) Except as provided in subsections (e) and (h) of this section, each adult client who is receiving treatment or habilitation in a 24-hour facility at all times keeps the right to:

(1) Make and receive confidential telephone calls. All long distance calls shall be paid for by the client at the time of making the call or made collect to the receiving party;

(2) Receive visitors between the hours of 8:00 a.m. and 9:00 p.m. for a period of at least six hours daily, two hours of which shall be after 6:00 p.m.; however visiting shall not take precedence over therapies;

(3) Communicate and meet under appropriate supervision with individuals of his own choice upon the consent of the individuals;

(4) Make visits outside the custody of the facility unless:

a. commitment proceedings were initiated as the result of the client's being charged with a violent crime, including a crime involving an assault with a deadly weapon, and the respondent was found not guilty by reason of insanity or incapable of proceeding;

b. the client was voluntarily admitted or committed to the facility while under order of commitment to a correctional facility of the Department of Correction; or

c. the client is being held to determine capacity to proceed pursuant to G.S. 15A-1002;

A court order may expressly authorize visits otherwise prohibited by the existence of the conditions prescribed by this subdivision;

(5) Be out of doors daily and have access to facilities and equipment for physical exercise several times a week;

(6) Except as prohibited by law, keep and use personal clothing and possessions;

(7) Participate in religious worship;

(8) Keep and spend a reasonable sum of his own money;

(9) Retain a driver's license, unless otherwise prohibited by Chapter 20 of the General Statutes; and

(10) Have access to individual storage space for his private use.

(c) In addition to the rights enumerated in G.S. 122C-51 through G.S. 122C-57 and G.S. 122C-59 through G.S. 122C-61, each minor client who is receiving treatment or habilitation in a 24-hour facility has the right to have access to proper adult supervision and guidance. In recognization of the minor's status as a developing individual, the minor shall be provided opportunities to enable him to mature physically, emotionally, intellectually, socially, and vocationally. In view of the physical, emotional, and intellectual immaturity of the minor, the 24-hour facility shall provide appropriate structure, supervision and control consistent with the rights given to the minor pursuant to this Article. The facility shall also, where

practical, make reasonable efforts to ensure that each minor client receives treatment apart and separate from adult clients unless the treatment needs of the minor client dictate otherwise.

Each minor client who is receiving treatment or habilitation from a 24-hour facility has the right to:

(1) Communicate and consult with his parents or guardian or the agency or individual having legal custody of him;

(2) Contact and consult with, at his own expense or that of his legally responsible person and at no cost to the facility, legal counsel, private physicians, private mental health, mental retardation, or substance abuse professionals, of his or his legally responsible person's choice; and

(3) Contact and consult with a client advocate, if there is a client advocate.

The rights specified in this subsection may not be restricted by the facility and each minor client may exercise these rights at all reasonable times.

(d) Except as provided in subsections (e) and (h) of this section, each minor client who is receiving treatment or habilitation in a 24-hour facility has the right to:

(1) Make and receive telephone calls. All long distance calls shall be paid for by the client at the time of making the call or made collect to the receiving party;

(2) Send and receive mail and have access to writing materials, postage, and staff assistance when necessary;

(3) Under appropriate supervision, receive visitors between the hours of 8:00 a.m. and 9:00 p.m. for a period of at least six hours daily, two hours of which shall be after 6:00 p.m.; however visiting shall not take precedence over school or therapies;

(4) Receive special education and vocational training in accordance with federal and State law;

(5) Be out of doors and participate in play, recreation, and physical exercise on a regular basis in accordance with his needs;

(6) Except as prohibited by law, keep and use personal clothing and possessions under appropriate supervision;

(7) Participate in religious worship;

(8) Have access to individual storage space for the safekeeping of personal belongings;

(9) Have access to and spend a reasonable sum of his own money; and

(10) Retain a driver's license, unless otherwise prohibited by Chapter 20 of the General Statutes.

(e) No right enumerated in subsections (b) or (d) of this section may be limited or restricted except by the qualified professional responsible for the formulation of the client's treatment or habilitation plan. A written statement shall be placed in the client's record that indicates the detailed reason for the restriction. The restriction shall be reasonable and related to the client's treatment or habilitation needs. A restriction is effective for a period not to exceed 30 days. An evaluation of each restriction shall be conducted by the qualified professional at least every seven days, at which time the restriction may be removed. Each evaluation of a

restriction shall be documented in the client's record. Restrictions on rights may be renewed only by a written statement entered by the qualified professional in the client's record that states the reason for the renewal of the restriction. In the case of an adult client who has not been adjudicated incompetent, in each instance of an initial restriction or renewal of a restriction of rights, an individual designated by the client shall, upon the consent of the client, be notified of the restriction and of the reason for it. In the case of a minor client or an incompetent adult client, the legally responsible person shall be notified of each instance of an initial restriction or renewal of a restriction of rights and of the reason for it. Notification of the designated individual or legally responsible person shall be documented in writing in the client's record.

(f) The Commission may adopt rules to implement subsection (e) of this section.

(g) With regard to clients being held to determine capacity to proceed pursuant to G.S. 15A-1002 or clients in a facility for substance abuse, and notwithstanding the prior provisions of this section, the Commission may adopt rules restricting the rights set forth under (b)(2) and (d)(3) of this section if restrictions are necessary and reasonable in order to protect the health, safety, and welfare of the client involved or other clients.

(h) The rights stated in subdivisions (b)(2), (b)(4), (b)(5), (b)(10), (d)(3), (d)(5) and (d)(8) may be modified in a general hospital by that hospital to be the same as for other patients in that hospital; provided that any restriction of a specific client's rights shall be done in accordance with the provisions of subsection (e) of this section.

"§ 122C-63. *Assurance for continuity of care for individuals with mental retardation.*—(a) Any individual with mental retardation admitted for residential care or treatment for other than respite or emergency care to any residential facility operated under the authority of this Chapter and supported all or in part by State appropriated funds has the right to residential placement in an alternative facility if the client is in need of placement and if the original facility can no longer provide the necessary care or treatment.

(b) The operator of a residential facility providing residential care or treatment, for other than respite or emergency care, for individuals with mental retardation shall notify the area authority serving the client's county of residence of his intent to close a facility or to discharge a client who may be in need of continuing care at least 60 days prior to the closing or discharge.

The operator's notification to the area authority of intent to close a facility or to discharge a client who may be in need of continuing care constitutes the operator's acknowledgement of the obligation to continue to serve the client until:

(1) The area authority determines that the client is not in need of continuing care;
(2) The client is moved to an alternative residential placement; or
(3) Sixty days have elapsed;

whichever occurs first.

In cases in which the safety of the client who may be in need of continuing care, of other clients, of the staff of the residential facility, or

of the general public, is concerned, this 60-day notification period may be waived by securing an emergency placement in a more secure and safe facility. The operator of the residential facility shall notify the area authority that an emergency placement has been arranged within 24 hours of the placement. The area authority and the Secretary shall retain their respective responsibilities upon receipt of this notice.

(c) An individual who may be in need of continuing care may be discharged from a residential facility without further claim for continuing care against the area authority or the State if:

(1) After the parent or guardian, if the client is a minor or an adjudicated incompetent adult, or the client, if an adult not adjudicated incompetent, has entered into a contract with the operator upon the client's admission to the original residential facility the parent, guardian, or client who entered into the contract refuses to carry out the contract, or

(2) After an alternative placement for a client in need of continuing care is located, the parent or guardian who admitted the client to the residential facility, if the client is a minor or an adjudicated incompetent adult, or the client if an adult not adjudicated incompetent, refuses the alternative placement.

(d) Decisions made by the area authority regarding the need for continued placement or regarding the availability of an alternative placement of a client may be appealed pursuant to the appeals process of the area authority and subsequently to the Secretary or the Commission under their rules. If the appeal process extends beyond the operator's 60-day obligation to continue to serve the client, the Secretary shall arrange a temporary placement in a State facility for the mentally retarded pending the outcome of the appeal.

(e) The area authority that serves the county of residence of the client is responsible for assessing the need for continuity of care and for the coordination of the placement among available public and private facilities whenever the authority is notified that a client may be in need of continuing care. If an alternative placement is not available beyond the operator's 60-day obligation to continue to serve the client, the Secretary shall arrange for a temporary placement in a State facility for the mentally retarded. The area authority shall retain responsibility for coordination of placement during a temporary placement in a State facility.

(f) The Secretary is responsible for coordinative and financial assistance to the area authority in the performing of its duties to coordinate placement so as to assure continuity of care and for assuring a continuity of care placement beyond the operator's 60-day obligation period.

(g) The area authority's financial responsibility, through local and allocated State resources, is limited to:

(1) Costs relating to the identification and coordination of alternative placements;

(2) If the original facility is an area facility, maintenance of the client in the original facility for up to 60 days; and

(3) Release of allocated categorical State funds used to support the care or treatment of the specific client at the time of alternative placement if the Secretary requires the release.

(h) In accordance with G.S. 143B-147(a)(1) the Commission shall develop programmatic rules to implement this section, and, in accordance with G.S. 122C-112(a)(6), the Secretary shall adopt budgetary rules to implement this section.

"§ 122C-64. *Human rights committees.*—Human rights committees responsible for protecting the rights of clients shall be established at each State facility and may be established for area authorities. The Commission shall adopt rules for the establishment of committees. These rules shall include the composition and duties of the committees and procedures for appointment of the members by the Secretary for State facilities and by the area board for area authorities.

"§ 122C-65. *Offenses relating to clients.*—(a) For the protection of clients receiving treatment or habilitation in a 24-hour facility, it is unlawful for any individual who is not a mentally retarded client in a facility:

(1) To assist, advise, or solicit, or to offer to assist, advise, or solicit a client of a facility to leave without authority;

(2) To transport or to offer to transport a client of a facility to or from any place without the facility's authority;

(3) To receive or to offer to receive a minor client of a facility into any place, structure, building, or conveyance for the purpose of engaging in any act that would constitute a sex offense, or to solicit a minor client of a facility to engage in any act that would constitute a sex offense;

(4) To hide an individual who has left a facility without authority; or

(5) To engage in, or offer to engage in an act with a client of a facility that would constitute a sex offense.

(b) Violation of this section is a misdemeanor and is punishable as provided in G.S. 14-3.

"§ 122C-66. *Protection from abuse and exploitation; reporting.*—(a) An employee of or a volunteer at a facility who, other than as a part of generally accepted medical or therapeutic procedure, knowingly causes pain or injury to a client or borrows or takes personal property from a client is guilty of a misdemeanor and is punishable as provided in G.S. 14-3. Any employee or volunteer who uses reasonable force to carry out the provisions of G.S. 122C-60 or to protect himself or others from a violent client does not violate this subsection.

(b) An employee of a facility who witnesses or has knowledge of a violation of subsection (a) or of an accidental injury to a client shall report the violation or accidental injury to authorized personnel designated by the facility. No employee making a report may be threatened or harassed by any other employee or volunteer on account of the report. Violation of this subsection is a misdemeanor punishable by a fine, not to exceed five hundred dollars ($500.00).

(c) The identity of an individual who makes a report under this section or who cooperates in an ensuing investigation may not be disclosed

without his consent, except to persons authorized by the facility or by State or federal law to investigate or prosecute these incidents, or in a grievance or personnel hearing or civil or criminal action in which a reporting individual is testifying, or when disclosure is legally compelled or authorized by judicial discovery. This subsection shall not be interpreted to require the disclosure of the identity of an individual where it is otherwise prohibited by law.

(d) An employee who makes a report in good faith under this section is immune from any civil liability that might otherwise occur for the report. In any case involving liability, making of a report under this section is *prima facie* evidence that the maker acted in good faith.

(e) The duty imposed by this section is in addition to any duty imposed by G.S. 7A-543 or G.S. 108A-102.

(f) The facility shall investigate or provide for the investigation of all reports made under the provisions of this section.

"§ 122C-67. *Other rules regarding abuse, exploitation, neglect not prohibited.*—G.S. 122C-66 does not prohibit the Commission from adopting rules for State and area facilities and does not prohibit other facilities from issuing policies regarding other forms of prohibited abuse, exploitation, or neglect.

"Article 4.
"Organization and System for Delivery of Mental Health, Mental Retardation, and Substance Abuse Services.
"Part 1. Policy.

"§ 122C-101. *Policy.*—Within the public system of mental health, mental retardation, and substance abuse services, there are both area and State facilities. An area authority is the locus of coordination among public services for clients of its catchment area. To assure the most appropriate and efficient care of clients within the publicly supported service system, area authorities are encouraged to develop and secure approval for a single portal of entry and exit policy for their catchment areas.

"Part 2. State, County and Area Authority.

"§ 122C-111. *Administration.*—The Secretary shall administer and enforce the provisions of this Chapter and the rules of the Commission and shall operate State facilities. An area director shall administer the programs of the area authority and enforce the rules of the area board, applicable State laws, rules of the Commission, and rules of the Secretary. The Secretary in cooperation with area directors and State facility directors shall provide for the coordination of services between area authorities and State facilities.

"§ 122C-112. *Powers and duties of the Secretary.*—(a) The Secretary shall:

(1) Enforce the provisions of this Chapter and the rules of the Commission and the Secretary;
(2) Assist counties and area authorities in the establishment and operation of community-based programs within catchment areas specified in rules adopted by the Commission;

(3) Operate State facilities and adopt rules pertaining to their operation;
(4) Promote a unified system of services for the citizens of this State by coordinating services provided in State facilities and area facilities;
(5) Approve the plans and budgets of an area authority and adopt rules pertaining to the content and format of these plans and budgets;
(6) Adopt rules governing the expenditure of all area authority funds;
(7) Adopt rules for the establishment of single portal designation and approve an area as a single portal area;
(8) Except as provided in G.S. 122C-26(4), adopt rules establishing procedures for waiver of rules adopted by the Secretary under this Chapter.
(9) Notify the clerks of superior court of changes in the designation of State facility regions and of facilities designated under G.S. 122C-252;
(10) Promote public awareness and understanding of mental health, mental illness, mental retardation, and substance abuse;
(11) Administer and enforce rules that are conditions of participation in federal or State financial aid; and
(12) Carry out G.S. 122C-361.

(b) The Secretary may:
(1) Acquire by purchase or otherwise in the name of the Department equipment, supplies, and other personal property necessary to carry out the mental health, mental retardation, and substance abuse programs;
(2) Sponsor training opportunities in the fields of mental health, mental retardation, and substance abuse;
(3) Promote and conduct research in the fields of mental health, mental retardation, and substance abuse;
(4) Provide technical assistance for the development and improvement of prevention services;
(5) Receive donations of money, securities, equipment, supplies, or any other personal property of any kind or description which shall be used by the Secretary for the purpose of carrying out mental health, mental retardation, and substance abuse programs. Any donations shall be reported to the Office of State Budget and Management as determined by that office;
(6) Accept, allocate, and spend any federal funds for mental health, mental retardation, and substance abuse activities that may be made available to the State by the federal government. This Chapter shall be liberally construed in order that the State and its citizens may benefit fully from these funds. Any federal funds received shall be deposited with the State Treasurer and shall be appropriated by the General Assembly for the mental health, mental retardation, or substance abuse purposes specified;
(7) Enter agreements authorized by G.S. 122C-346.

"§ 122C-113. *Cooperation between Secretary and other agencies.*—(a) The Secretary shall cooperate with other State agencies to coordinate

services for the treatment and habilitation of individuals who are mentally ill, mentally retarded, or substance abusers. The Secretary shall also coordinate with these agencies to provide public education to promote a better understanding of mental illness, mental retardation, and substance abuse.

(b) The Secretary shall promote cooperation among area facilities, State facilities, and local agencies to facilitate the provision of services to individuals who are mentally ill, mentally retarded, or substance abusers.

(c) The Secretary shall adopt rules to assure this coordination.

"§ 122C-114. *Powers and duties of the Commission.*—The Commission shall have authority as provided by this Chapter, Chapters 90 and 148 of the General Statutes, and by G.S. 143B-147.

"§ 122C-115. *Powers and duties of counties and cities.*—(a) Except as provided in G.S. 153A-77, a county shall provide mental health, mental retardation, and substance abuse services through an area authority.

(b) Counties and cities may appropriate funds for the support of programs that serve the catchment area, whether the programs are physically located within a single county or whether any facility housing a program is owned and operated by the city or county. Counties and cities may make appropriations for the purposes of this Chapter and may allocate for these purposes other revenues not restricted by law, and counties may fund them by levy of property taxes pursuant to G.S. 153A-149(c)(22).

(c) Within a catchment area designated by the Commission, a board of county commissioners or two or more boards of county commissioners jointly shall establish an area authority with the approval of the Secretary.

"§ 122C-116. *Status of area authority.*—An area authority is a local political subdivision of the State except that a single county area authority is considered a department of the county in which it is located for the purposes of Chapter 159 of the General Statutes.

"§ 122C-117. *Powers and duties of the area authority.*—(a) The area authority shall:

(1) Engage in comprehensive planning, budgeting, implementing, and monitoring of community-based mental health, mental retardation, and substance abuse services;
(2) Provide services to clients in the catchment area;
(3) Determine the needs of the area authority's clients and coordinate with the Secretary the provision of services to clients through area and State facilities;
(4) Develop plans and budgets for the area authority subject to the approval of the Secretary;
(5) Assure that the services provided by the area authority meet the rules of the Commission and Secretary;
(6) Comply with federal requirements as a condition of receipt of federal grants; and
(7) Appoint an area director.

(b) The governing unit of the area authority is the area board. All powers, duties, functions, rights, privileges, or immunities conferred on the area authority may be exercised by the area board.

"§ 122C-118. *Structure of area board.*—(a) An area board shall have no less than 15 members and no more than 25 members. The size of the area board may be changed from time to time as follows:

(1) In a single-county area, by the board of county commissioners;

(2) In a multi-county area by agreement of the boards of county commissioners of all the counties in the catchment area. The agreement shall be evidenced by concurrent resolutions adopted by the affected boards of county commissioners.

(b) In a single county area, the board of county commissioners shall appoint the members of the area board who may be removed with or without cause.

(c) In areas consisting of more than one county, each board of county commissioners within the area shall appoint one commissioner as a member of the area board. These members shall appoint the other members. A member may be removed, with or without cause, by the group authorized to make the initial appointment.

(d) The group of county commissioners authorized to make appointments to the area board shall appoint new members to the area board to fill vacancies occurring on the board before the end of the appointed term of office. These appointments are for the rest of the unexpired term of office.

(e) The area board shall include:

(1) At least one county commissioner from each county in the area except that in a single-county area authority the board of commissioners may instead appoint any resident of the county;

(2) At least two physicians licensed under Chapter 90 of the General Statutes to practice medicine in North Carolina;

(3) At least one professional representative from the fields either of psychology, social work, nursing, or religion;

(4) At least one individual each representing the interests of or from citizens' organizations representing the interests of individuals with:

a. Mental illness;

b. Mental retardation;

c. Alcoholism; and

d. Drug abuse;

(5) At least one representative from local hospitals or area planning organizations; and

(6) At least one attorney licensed to practice in North Carolina.

(f) Any member of an area board who is a county commissioner serves on the board in an ex officio capacity. The terms of county commissioners on an area board are concurrent with their terms as county commissioners. The terms of the other members on the area board shall be for four years, except that upon the initial formation of an area board one fourth shall be appointed for one year, one fourth for two years, one fourth for three years, and all remaining members for four years.

"§ 122C-119. *Organization of area board.*—(a) The area board shall meet at least six times per year.

(b) Meetings shall be called by the area board chairman or by three or more members of the board after notifying the area board chairman in writing.

(c) Members of the area board elect the board's chairman. The term of office of the area board chairman shall be one year. A county commissioner area board member may serve as the area board chairman.

"§ 122C-120. *Compensation of area board members.*—(a) Area board members may receive as compensation for their services per diem and a subsistence allowance for each day during which they are engaged in the official business of the area board. The amount of the per diem and subsistence allowances shall be established by the area board and the amounts shall not exceed those authorized by G.S. 138-5 for State boards.

(b) Area board members may be reimbursed for all necessary travel expenses and registration fees in amounts fixed by the board.

"§ 122C-121. *Area director.*—The area director is an employee of the area board and shall serve at the pleasure of the area board. The director is responsible for the staff appointments, for implementation of the policies and programs of the board in compliance with rules of the Commission and the Secretary, and for the supervision of all service programs and staff.

"§ 122C-122. *Public guardians.*—The officers and employees of the Division, or any successor agency, and the area director or any officer or employee of an area authority designated by the area board, or any officer or employee of any area facility designated by the area board, may, if they are a disinterested public agent as defined by G.S. 35-1.7(4), serve as guardians for adults adjudicated incompetent under the provisions of Article 1A of Chapter 35 of the General Statutes, and they shall so act if ordered to serve in that capacity by the clerk of superior court having jurisdiction of a guardianship proceeding brought under that Article. Bond shall be required or purchased as provided by G.S. 35-1.19.

"Part 3. Service Delivery System.

"§ 122C-131. *Composition of system.*—Mental health, mental retardation, and substance abuse services of the public system in this State shall be delivered through area authorities and State facilities.

"§ 122C-132. *Single portal of entry and exit designation.*—(a) The public system should provide for a single portal of entry and exit policy. In order to accomplish this objective, an area authority desiring designation as a single portal area shall present to the Secretary a single portal of entry and exit plan approved by the area board. The decision as to whether to choose to submit a plan is in the discretion of the area authority after weighing the policy goal stated in this subsection and in G.S. 122C-101.

(b) In order for a single portal area to be designated, the single portal of entry and exit plan shall be subject to approval by the Secretary. Once an area is designated by the Secretary as a single portal area, any changes to the plan shall be subject to approval by the Secretary. However, an approved plan and designation as a single portal area shall remain in force pending approval of any changes.

(c) The plan shall include but not be limited to:

(1) A specific listing of facilities to be covered by the single portal of entry and exit plan;
(2) Procedures for review of individuals to be admitted to or discharged from State and area facilities;
(3) Procedures for shared responsibility when individuals are admitted directly to a State facility;
(4) Evidence of incorporation of these plans within the contracts between the area authority and the State facilities as required by G.S. 122C-143(c) and with other public and private agencies as required in G.S. 122C-141;
(5) Evidence of cooperative arrangements with local law enforcement, local courts, and the local medical society; and
(6) Procedures for review of citizen complaints.

(d) Residents of a county in a designated single portal area shall be admitted to or discharged from State and area facilities through the area authority as described in the area's single portal of entry and exit policy.

"Part 4. Area Facilities.

"§ 122C-141. *Provision of services.*—(a) The area authority may provide services directly and may contract with other public or private agencies, institutions, or resources for the provision of services.

(b) All area authority services provided directly or under contract shall meet the requirements of applicable State statutes and the rules of the Commission and the Secretary. The Secretary may delay payments and, with written notification of cause, may reduce or deny payment of funds if an area authority fails to meet these requirements.

"§ 122C-142. *Contract for services.*—(a) When the area authority contracts with persons for the provision of services, the area authority shall assure that these contracted services meet the requirements of applicable State statutes and the rules of the Commission and the Secretary. Terms of the contract shall require the area authority to monitor the contract to assure that rules and State statutes are met. The Secretary may also monitor contracted services to assure that rules and State statutes are met.

(b) When the area authority contracts for services, it may provide funds to purchase liability insurance, to provide legal representation, and to pay any claim with respect to liability for acts, omissions, or decisions by members of the boards or employees of the persons with whom the area authority contracts. These acts, omissions, and decisions shall be ones that arise out of the performance of the contract and may not result from actual fraud, corruption, or actual malice on the part of the board members or employees.

"§ 122C-143. *Plans and budgets required by the Secretary.*—(a) Subject to the rules of the Secretary, area authorities shall develop and submit plans and budgets, including annual plans and budgets that provide for the delivery of services to residents of the catchment area.

(b) The annual plan and budget shall include an inventory of existing services, a description of the needs of catchment area residents, and major actions to be completed by the area authority to meet the identified needs.

It shall also include strategies consistent with Parts 7 and 8 of Article 5 of this Chapter for maximum utilization of area facilities.

(c) The annual plan and budget shall include a plan for contracting with those State facilities designated to serve residents of the catchment area.

(d) The annual plan and budget shall show the planned spending of all local, State, and federal funds for each service according to the source of the funds.

(e) In addition to annual plans and budgets, the Secretary may require area authorities to develop with State facilities joint long-range plans that identify needs and resources to address those needs in the least restrictive setting, if the least restrictive setting is therapeutically most appropriate, and that provide a method for coordination of services.

(f) Plans and budgets and subsequent changes are subject to approval by the Secretary. If the Secretary disapproves a plan and budget or subsequent changes, the Secretary may delay payments and with written notification of cause may reduce or deny payment of funds. If the Secretary later approves the plan and budget or subsequent changes, restoration of funds is within the discretion of the Secretary.

"§ 122C-144. *Reports.*—(a) Periodically as specified by the Secretary by rule, each area authority shall provide the Secretary and the board or boards of county commissioners with:

(1) A budget report that indicates receipts and expenditures for the total area authority according to a reporting format prescribed by the Secretary. This format shall conform as nearly as practical to the recommended budget format of the Local Government Commission under the provisions of the Local Government Budget and Fiscal Control Act, Article 3 of Chapter 159 of the General Statutes; and

(2) An audit report prepared by an independent certified public accountant, which report may be made by the county independent certified public accountant as a part of the county's normal annual audit if satisfactory to the Secretary.

(b) The Secretary may require reports of activities and services of the area authority, but the reports may not identify individual clients of the area authority unless specifically required by State statute, federal statute or regulation, or unless valid consent for the release has been given by the client or legally responsible person.

(c) Reports required of the area authority by the Secretary shall be reviewed by the Secretary biennially, and only those reports considered necessary by the Secretary shall thereafter be required.

(d) If an area authority fails to file required reports within the time limit set by the Secretary, the Secretary may:

(1) delay payments; and

(2) with written notification of cause and subject to an appeal as provided by G.S. 122C-145, may reduce or deny payment of funds.

"§ 122C-145. *Appeal by area authorities.*—(a) The area authority may appeal to the Commission any action regarding rules under the jurisdiction of the Commission or rules under the joint jurisdiction of the Commission and the Secretary.

(b) The area authority may appeal to the Secretary any action regarding rules under the jurisdiction of the Secretary.

(c) Appeals shall be conducted according to rules adopted by the Commission and Secretary and in accordance with Chapter 150A of the General Statutes.

"§ 122C-146. *Fee for service.*—The area authority and its contractual agencies shall prepare fee schedules for services and shall make every reasonable effort to collect appropriate reimbursement for costs in providing these services from individuals able to pay, including insurance and third-party payment. However, no individual may be refused services because of an inability to pay. All funds collected from fees from area authority operated services shall be used for the fiscal operation or capital improvements of the area authority's programs. The collection of fees by an area authority may not be used as justification for reduction or replacement of the budgeted commitment of local tax revenue.

"§ 122C-147. *Allocation of funds to area authorities.*—(a) All State and federal funds appropriated within the Department's budget for area mental health, mental retardation, and substance abuse services shall be allocated to area authorities in accordance with the annual plan and budget adopted by the area authority and approved by the Secretary. An area authority may receive and allocate non-State resources for capital purchases, capital improvements, and equipment acquisitions if the expenditures are made in the support of the annual plan. The final share of State and federal funds shall be allocated on the basis of actual expenditures and reported in a way prescribed by the Secretary. Unspent State and federal funds shall be remitted to the Department within 60 days after the date that a certified audit is rendered as required by the Local Government Commission. If an audit is not submitted to the State within five days of the due date for the audit as approved by the Local Government Commission, Department funds for the area authority may be withheld by the Secretary until the audit is submitted.

(b) Unless otherwise specified by the Secretary, State appropriations to area authorities shall be used exclusively for the operating costs of the area authority; provided however:

(1) The Secretary may specify that designated State funds may be used by area authorities (i) for the purchase, alteration, improvement, or rehabilitation of real estate to be used as a residential facility or (ii) in contracting with a private, nonprofit corporation that operates residential facilities for the mentally ill, mentally retarded, or substance abusers and according to the terms of the contract between the area authority and the private, nonprofit corporation, for the purchase, alteration, improvement, rehabilitation of real estate or, to make a lump sum down payment or periodic payments on a real property mortgage in the name of the private, nonprofit corporation.

(2) Upon cessation of the use of the residential facility by the area authority, if operated by the area authority, or upon termination, default, or nonrenewal of the contract if operated by a contractual agency, the Department shall be reimbursed in accordance with

rules adopted by the Secretary for the Department's participation in the purchase of the residential facility.

(c) All real property purchased for use by the area authority shall be provided by local or federal funds unless otherwise allowed under subsection (b) of this section. The title to this real property and the authority to acquire it is held by the county where the property is located. The authority to hold title to real property and the authority to acquire it may be held by the area authority with the consent of the board or boards of commissioners of all the counties which comprise the area authority. The consent to this variation shall be by resolution of the affected board or boards of county commissioners and may have any necessary or proper conditions, including provisions for distribution of the proceeds in the event of disposition of the property by the area authority.

(d) The area authority may lease real property.

(e) Equipment necessary for the operation of the area authority may be obtained with local, State, federal, or donated funds, or a combination of these.

(f) The area authority may acquire or lease personal property, including by lease-purchase agreement. Title to personal property may be held by the area authority.

(g) All area authority funds shall be spent in accordance with the rules of the Secretary. Failure to comply with the rules is grounds for the Secretary to stop participation in the funding of the particular program. The Secretary may withdraw funds from a specific program of services not being administered in accordance with an approved plan and budget after written notice and subject to an appeal as provided by G.S. 122C-145 and Chapter 150A of the General Statutes.

(h) Notwithstanding subsection (b) of this section and in addition to the purposes listed in that subsection, the funds allocated by the Secretary for services for members of the class identified in Willie M., et al. vs. Hunt, et al. (C-C-79-294, Western District) may be used for the purchase, alteration, improvement, or rehabilitation of real property owned or to be owned by a nonprofit corporation and used or to be used as a facility.

(i) Notwithstanding subsection (c) of this section and in addition to the purposes listed in that subsection, funds allocated by the Secretary for services for members of the class identified in Willie M., et al. vs. Hunt, et al. (C-C-79-294, Western District) may be used for the purchase, alteration, improvement, or rehabilitation of real property used by an area authority as long as the title to the real property is vested in the county where the property is located or is vested in another governmental entity. If the property ceases to be used in accordance with the annual plan, the unamortized part of funds spent under this subsection for the purchase, alteration, improvement, or rehabilitation of real property shall be returned to the Department, in accordance with the rules of the Secretary.

(j) Notwithstanding subsection (c) of this section the area authority, with the approval of the Secretary, may use local funds for the alteration, improvement, and rehabilitation of real property owned by a nonprofit corporation under contract with the area authority and used or to be used as a residential facility. Prior to the use of county appropriated funds for this purpose, the area authority must obtain consent of the board or

boards of commissioners of all the counties which comprise the area authority. The consent shall be by resolution of the affected board or boards of county commissioners and may have any necessary or proper conditions, including provisions for distribution of the proceeds in the event of disposition of the property.

"§ 122C-148. *Allocations to be made annually; base grant; additional allocations.*—Subject to the provisions of this Article, allocations shall be made annually by the Secretary to area authorities for the provision of community-based services. Provided sufficient funds are appropriated, the allocations shall be made in the form of a base grant computed on the basis of one thousand two hundred dollars ($1,200) per 1,000 population within the catchment area. Additional allocations may be made to area authorities on the conditions and formula bases provided by G.S. 122C-147 through G.S. 122C-151.

"§ 122C-149. *Allocation of matching funds to area authorities.*—(a) State appropriated matching funds shall be distributed subject to rules of the Secretary which set a formula based on the relative fiscal capacity of the county to fund mental health, mental retardation, and substance abuse services. The rules shall be reviewed biennially by the Secretary. Area authority funds used for matching State funds shall include fees from services including Medicare and the local and federal share of Medicaid receipts, fees from agencies under contract, gifts and donations, and county and municipal funds. Except as specifically provided, area financial participation to match State allocations may not include State or federal funds.

(b) Area authorities may not use funds received under G.S. 20-179.2(f) or G.S. 90-96.01(a)(4) to match funds under this section.

"§ 122C-150. *Direct grants for services.*—In addition to the allocations provided in G.S. 122C-148 and G.S. 122C-149, the Department shall make direct grants to area authorities from State and federal funds appropriated for special programs. The grants shall be for the treatment of individuals by area facilities rather than in State facilities and shall be administered as provided in G.S. 122C-147.

"§ 122C-151. *Responsibilities of those receiving appropriations.*—All resources allocated to and received by any area authority and used for programs of mental health, mental retardation, substance abuse or other related fields are subject to the conditions specified in this Article and to the rules of the Commission and the Secretary.

"§ 122C-152. *Liability insurance and waiver of immunity as to torts of agents, employees, and board members.*—(a) An area authority, by securing liability insurance as provided in this section, may waive its governmental immunity from liability for damage by reason of death or injury to person or property caused by the negligence or tort of any agent, employee, or board member of the area authority when acting within the scope of his authority or within the course of his duties or employment. Governmental immunity is waived by the act of obtaining this insurance, but it is waived only to the extent that the area authority is indemnified by insurance for the negligence or tort.

(b) Any contract of insurance purchased pursuant to this section shall be issued by a company or corporation licensed and authorized to execute

insurance contracts in this State and shall by its terms adequately insure the area authority against any and all liability for any damages by reason of death or injury to a person or property proximately caused by the negligent acts or torts of the agents, employees, and board members of the area authority when acting within the course of their duties or employment. The area board shall determine the extent of the liability and what agents, employees by class, and board members are covered by any insurance purchased pursuant to this subsection. Any company or corporation that enters into a contract of insurance as described in this section with the authority, by this act waives any defense based upon the governmental immunity of the area authority.

(c) Any persons sustaining damages, or, in the case of death, his personal representative, may sue an area authority insured under this section for the recovery of damages in any court of competent jurisdiction in this State, but only in a county located within the geographic limits of the authority. It is no defense to any action that the negligence or tort complained of was in pursuance of a governmental or discretionary function of the area authority if, and to the extent that, the authority has insurance coverage as provided by this section.

(d) Except as expressly provided by subsection (c) of this section, nothing in this section deprives any area authority of any defense whatsoever to any action for damages or to restrict, limit, or otherwise affect any defense which the area authority may have at common law or by virtue of any statute. Nothing in this section relieves any person sustaining damages nor any personal representative of any decedent from any duty to give notice of a claim to the area authority or to commence any civil action for the recovery of damages within the applicable period of time prescribed or limited by statute.

(e) The area authority may incur liability pursuant to this section only with respect to a claim arising after the authority has procured liablity insurance pursuant to this section and during the time when the insurance is in force.

(f) No part of the pleadings that relate to or allege facts as to a defendant's insurance against liability may be read or mentioned in the presence of the trial jury in any action brought pursuant to this section. This liability does not attach unless the plaintiff waives the right to have all issues of law or fact relating to insurance in the action determined by a jury. These issues shall be heard and determined by the judge, and the jury shall be absent during any motions, arguments, testimony, or announcement of findings of fact or conclusions of law with respect to insurance.

"§ 122C-153. *Defense of agents, employees, and board members.*—(a) Upon request made by or in behalf of any agent, employee, or board member or former agent, employee, or board member of the area authority, any area authority may provide for the defense of any civil or criminal action or proceeding brought against him either in his official or in his individual capacity, or both, on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his duty as an agent, employee, or board member. The defense may be provided by the local board by employing counsel or

by purchasing insurance that requires that the insurer provide the defense. Nothing in this section requires any area authority to provide for the defense of any action or proceeding of any nature.

(b) An area authority may budget funds for the purpose of paying all or part of the claim made or any civil judgment entered against any of its agents, employees, or board members or former agents, employees, or board members when a claim is made or judgment is rendered as damages on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his duty as an agent, employee, or board member of the area authority. Nothing in this section shall authorize any area authority to budget funds for the purpose of paying any claim made or civil judgment against any of its agents, employees, or board members, or former agents, employees, or board members, if the authority finds that the agent, employee, or board member acted or failed to act because of actual fraud, corruption, or actual malice on his part. Any authority may budget for and purchase insurance coverage for payment of claims or judgments pursuant to this section. Nothing in this section requires any authority to pay any claim or judgment referred to, and the purchase of insurance coverage for payment of the claim or judgment may not be considered an assumption of any liability not covered by the insurance contract and may not be deemed an assumption of liability or payment of any claim or judgment in excess of the limits of coverage in the insurance contract.

(c) Subsection (b) of this section does not authorize an authority to pay all or part of a claim made or civil judgment entered or to provide a defense to a criminal charge unless (i) notice of the claim or litigation is given to the area authority before the time that the claim is settled or civil judgment is entered; and (ii) the area authority has adopted, and made available for public inspection, uniform standards under which claims made, civil judgments entered, or criminal charges against agents, employees, or board members or former agents, employees, or board members shall be defended or paid.

(d) The board or boards of county commissioners that establish the area authority and the Secretary may allocate funds not otherwise restricted by law, in addition to the funds allocated for the operation of the program, for the purpose of paying legal defense, judgments, and settlements under this section.

"§ 122C-154. *Personnel.*—Employees under the direct supervision of the area authority are employees of the area authority. For the purpose of personnel administration, Chapter 126 of the General Statutes applies unless otherwise provided in this Article.

"§ 122C-155. *Supervision of services.*—Unless otherwise specified, client services are the responsibility of a qualified professional. Direct medical and psychiatric services shall be provided by a qualified psychiatrist or a physician with adequate training and experience acceptable to the Secretary.

"§ 122C-156. *Salary plan for employees of the area authority.*—(a) The area authority shall establish a salary plan which shall set the salaries for employees of the area authority. The salary plan shall be in compliance with Chapter 126 of the General Statutes. In a multi-county area, the

salary plan shall not exceed the highest paying salary plan of any county in that area. In a single-county area, the salary plan shall not exceed the county's salary plan. The salary plan limitations set forth in this section may be exceeded only if the area authority and the board or boards of county commissioners, as the case may be, jointly agree to exceed these limitations.

(b) An area authority may purchase life insurance or health insurance or both for the benefit of all or any class of authority officers or employees as a part of its compensation. An area authority may provide other fringe benefits for authority officers and employees.

(c) An area authority that is providing health insurance under subsection (b) of this section may provide health insurance for all or any class of former officers and employees of the area authority who are receiving benefits under Article 3 of Chapter 128 of the General Statutes. Health insurance may be paid entirely by the area authority, partly by the area authority and former officer or employee, or entirely by the former officer or employee, at the option of the area board.

"§ 122C-157. *Establishment of a professional reimbursement policy.*—The area authority shall adopt and enforce a professional reimbursement policy. This policy shall (i)require that fees for the provision of services received directly under the supervision of the area authority shall be paid to the area authority,(ii) prohibit employees of the area authority from providing services on a private basis which require the use of the resources and facilities of the area authority, and (iii) provide that employees may not accept dual compensation and dual employment unless they have the written permission of the area authority.

"§ 122C-158. *Privacy of personnel records.*—(a) Notwithstanding the provisions of G.S. 132-6 or any other State statute concerning access to public records, personnel files of employees or applicants for employment maintained by an area authority are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the area authority with respect to that employee, including his application, selection or nonselection, performance, promotions, demotions, transfers, suspensions and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, 'employee' includes former employees of the area authority.

(b) The following information with respect to each employee is a matter of public record: name; age; date of original employment or appointment to the area authority; current position title; current salary; date and amount of most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. The area authority shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying during regular business hours, subject only to rules for the safekeeping of public records as the area authority may have adopted. Any person denied access to this information may apply to the appropriate

division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue these orders.

(c) All information contained in an employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and is open to inspection only in the following instances:

(1) The employee or an authorized agent may examine portions of his personnel file except (i) letters of reference solicited before employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.

(2) A licensed physician designated in writing by the employee may examine the employee's medical record.

(3) An area authority employee having supervisory authority over the employee may examine all material in the employee's personnel file.

(4) By order of a court of competent jurisdiction, any person may examine the part of an employee's personnel file that is ordered by the court.

(5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any part of a personnel file pursuant to G.S. 122C-25(b) or G.S. 122C-192(a) or when the inspection is considered by the official having custody of the records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency. No information may be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

(6) An employee may sign a written release, to be placed with the employee's personnel file, that permits the person with custody of the file to provide, either in person, by telephone or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

(7) The area authority may tell any person of the employment or nonemployment, promotion, demotion, suspension, or other disciplinary action, reinstatement, transfer, or termination of an employee and the reasons for that personnel action. Before releasing the information, the area authority shall determine in writing that the release is essential to maintaining public confidence in the administration of services or to maintaining the level and quality of services. This written determination shall be retained as a record for public inspection and shall become part of the employee's personnel file.

(d) Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:

(1) Testing or examination material used solely to determine individual qualifications for appointment, employment, or

promotion in the area authority service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.

(2) Investigative reports or memoranda and other information concerning the investigation of possible criminal action of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.

(3) Information that might identify an undercover law enforcement officer or a law enforcement informer.

(4) Notes, preliminary drafts, and internal communications concerning an employee. In the event these materials are used for any official personnel decision, then the employee or an authorized agent has a right to inspect these materials.

(e) The area authority may permit access, subject to limitations it may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that representative certifies that he will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the area authority as long as each personnel file so examined is retained.

(f) The area authority that maintains personnel files containing information other than the information mentioned in subsection (b) of this section shall establish procedures whereby an employee who objects to material in the employee's file on grounds that it is inaccurate or misleading may seek to have the material removed from the file or may place in the file a statement relating to the material.

(g) Permitting access, other than that authorized by this section, to a personnel file of an employee of an area authority is a misdemeanor and is punishable by a fine, not to exceed five hundred dollars ($500.00).

(h) Anyone who, knowing that he is not authorized to do so, examines, removes, or copies information in a personnel file of an employee of an area authority is guilty of a misdemeanor and is punishable by a fine, not to exceed five hundred dollars ($500.00).

"Part 5. State Facilities.

"§ 122C-181. *Secretary's jurisdiction over State Facilities.*—(a) Except as provided in subsection (b) of this section, the Secretary shall operate the following facilities:

(1) for the mentally ill:
   a. Cherry Hospital;
   b. Dorothea Dix Hospital;
   c. John Umstead Hospital; and
   d. Broughton Hospital; and

(2) for the mentally retarded:
   a. Caswell Center;
   b. O'Berry Center;
   c. Murdoch Center;
   d. Western Carolina Center; and
   e. Black Mountain Center; and

(3) for substance abusers:

a. Walter B. Jones Alcoholic Rehabilitation Center;
b. Alcoholic Rehabilitation Center at Butner; and
c. Alcoholic Rehabilitation Center at Black Mountain; and

(4) as special care facilities:
a. Wilson Special Care Center;
b. Whitaker School; and
c. Wright School

(b) The Secretary may, with the approval of the Governor and Council of State, close any State facility.

"§ 122C-182. *Authority to contract with area authorities.*—To establish a coordinated system of services for its clients, a State facility shall contract with an area authority. Contracted services shall meet the rules of the Commission and the Secretary.

"§ 122C-183. *Appointment of employees as police officers who may arrest without warrant.*—The director of each State facility may appoint as special police officers the number of employees of their respective facilities they consider necessary. Within the grounds of the State facility the employees appointed as special police officers have all the powers of police officers of cities. They have the right to arrest without warrant individuals committing violations of the State law or the ordinances or rules of that facility in their presence and to bring the offenders before a magistrate who shall proceed as in other criminal cases.

"§ 122C-184. *Oath of special police officers.*—Before exercising the duties of a special police officer, the employees appointed under G.S. 122C-183 shall take an oath or affirmation of office before an officer empowered to administer oaths. The oath or affirmation shall be filed with the records of the Department. The oath or affirmation of office is:

State of North Carolina: _____County.

I, _____, do solemnly swear (or affirm) that I will well and truly execute the duties of office of special police officer in and for the State facility called _____, according to the best of my skill and ability and according to law; and that I will use my best endeavors to enforce all the ordinances of said facility, and to suppress nuisances, and to suppress and prevent disorderly conduct within these grounds. So help me, God.

Sworn and subscribed before me, this _____day of _____, A.D._____

"§ 122C-185. *Application of funds belonging to State facilities.*—(a) All monies and proceeds of property donated to any State facility shall be deposited into the State treasury and accounted for in the appropriate fund as determined by the Secretary and approved by the Office of State Budget and Management. All monies and proceeds of property donated in which there are special directions for their application and the interest earned on these funds shall be spent as the donor has directed and except as required for deposit with the State Treasury, shall not be subject to the provisions of the Executive Budget Act except for capital improvements projects which shall be authorized and executed in accordance with G.S. 143-18.1.

(b) Proceeds from the transfer or sale of surplus, obsolete, or unused equipment of State facilities shall be deposited and accounted for in accordance with G.S. 143-49(4).

(c) The net proceeds from the sale, lease, rental, or other disposition of real estate owned by a State facility shall be deposited and accounted for in accordance with G.S. 146-30.

(d) All proceeds from the operation of vending facilities as defined in G.S. 111-42(d) and operated by State facilities shall be deposited and accounted for in accordance with G.S. 143-12.1.

(e) All other revenues and other receipts collected by a State facility shall be deposited to the credit of the State Treasury in accordance with G.S. 147-77.

"§ 122C-186. *General Assembly visitors of State facilities.*—The members of the General Assembly are ex officio visitors of all State facilities, provided that the common law right of visitation of a State facility is abrogated to the extent that it does not include the right to access to confidential information. This right of access is only as granted by statute.

"Part 6. Quality Assurance.

"§ 122C-191. *Quality of services.*—(a) The assurance that services provided are of the highest possible quality within available resources is an obligation of the area authority and the Secretary.

(b) Each area authority and State facility shall comply with the rules of the Commission regarding quality assurance activities, including: program evaluation; utilization and peer review; and staff qualifications, privileging, supervision, education, and training. These rules may not nullify compliance otherwise required by Chapter 126 of the General Statutes.

(c) Each area authority and State facility shall develop internal processes to monitor and evaluate the level of quality obtained by all its programs and services including the activities prescribed in the rules of the Commission.

(d) The Secretary shall develop rules for a review process to monitor area facilities and State facilities for compliance with the required quality assurance activities as well as other rules of the Commission and the Secretary.

"§ 122C-192. *Review and protection of information.*—(a) Notwithstanding G.S. 8-53, G.S. 8-53.3 or any other law relating to confidentiality of communications involving a patient or client, as needed to ensure quality assurance activities, the Secretary may review any writing or other record concerning the admission, discharge, medication, treatment, medical condition, or history of a client of an area authority or State facility. The Secretary may also review the personnel records of employees of an area authority or State facility.

(b) An area authority, State facility, its employees, and any other individual interviewed in the course of an inspection are immune from liability for damages resulting from disclosure of any information to the Secretary.

Except as required by law, it is unlawful for the Secretary or his representative to disclose:

(1) Any confidential or privileged information obtained under this section unless the client or his legally responsible person authorizes disclosure in writing; or

(2) The name of anyone who has furnished information concerning an area authority or State facility without that individual's consent.

Violation of this subsection is a misdemeanor punishable by a fine, not to exceed five hundred dollars ($500.00).

(c) The Secretary shall adopt rules to ensure that unauthorized disclosure does not occur.

(d) All confidential or privileged information obtained under this section and the names of individuals providing such information are not public records under Chapter 132 of the General Statutes.

"Article 5.
"Procedures for Admission and Discharge of Clients.
"Part 1. General Provisions.

"§ 122C-201. *Declaration of policy.*—It is State policy to encourage voluntary admissions to facilities. It is further State policy that no individual shall be involuntarily committed to a 24-hour facility unless he is mentally ill or a substance abuser and dangerous to himself or others, or unless he is mentally retarded and, because of an accompanying behavior disorder, is dangerous to others. All admissions and commitments shall be accomplished under conditions that protect the dignity and constitutional rights of the individual.

It is further State policy that, except as provided in G.S. 122C-212(b), individuals who have been voluntarily admitted shall be discharged upon application and that involuntarily committed individuals shall be discharged as soon as a less restrictive mode of treatment is appropriate.

"§ 122C-202. *Applicability of Article.*—This Article applies to all facilities unless expressly provided otherwise. Specific provisions that are delineated by the disability of the client, whether mentally ill, mentally retarded, or substance abuser, also apply to all facilities for that client's disability. Provisions that refer to a specific facility or type of facility apply only to the designated facility or facilities.

"§ 122C-202.1. *Hospital privileges.*—Nothing in this Article related to admission, commitment, or treatment shall be deemed to mandate hospitals to grant or deny to any individuals privileges to practice in hospitals.

"§ 122C-203. *Admission or commitment and incompetency proceedings to have no effect on one another.*—The admission or commitment to a facility of an alleged mentally ill individual, an alleged substance abuser, or an alleged mentally retarded individual under the provisions of this Article shall in no way affect incompetency proceedings as set forth in Chapters 33 or 35 of the General Statutes and incompetency proceedings under those Chapters shall have no effect upon admission or commitment proceedings under this Article.

"§ 122C-204. *Civil liability for corruptly attempting admission or commitment.*—Nothing in this Article relieves from liability in any suit

instituted in the courts of this State any individual who unlawfully, maliciously, and corruptly attempts to admit or commit any individual to any facility under this Article.

"§ 122C-205. *Return of clients to 24-hour facilities.*—(a) When a client of a 24-hour facility who:

(1) Has been involuntarily committed;
(2) Is being detained pending a judicial hearing;
(3) Has been voluntarily admitted but is a minor or incompetent adult;
(4) Has been placed on conditional release from the facility; or
(5) Is a competent adult who has been voluntarily admitted and who, in the opinion of the responsible professional at the facility involved is currently dangerous to himself or others escapes or breaches the condition of his release, if applicable, the responsible professional shall immediately notify the appropriate law enforcement officer of the county of residence of the client, the appropriate law enforcement officer of the county where the facility is located, and, if applicable, shall have recorded in the client's record the condition of release that has been breached. If there are reasonable grounds to believe that the client is in any county other than his county of residence, the responsible professional shall also notify the appropriate law enforcement officer of that county. Upon receipt of notice, the law enforcement officer shall take the client into custody and have the client returned to the facility from which the client has escaped or has been conditionally released. Transportation of the client back to the facility shall be provided in the same manner as described in G.S. 122C-251. Law enforcement officers notified of a client's escape or breach of conditional release shall be notified of his return.

(b) The responsible professional shall also notify:

(1) The next of kin or legally responsible person;
(2) The clerk of superior court of the county of residence of the client;
(3) The area authority of the county of residence, if appropriate; and
(4) The physician who performed the first examination for commitment, if appropriate, of the escape or breach of condition of the client's release upon the occurrence of either action and of his subsequent return to the facility.

"§ 122C-206. *Transfers of clients between 24-hour facilities.*—(a) Before transferring a voluntary adult client from one 24-hour facility to another, the responsible professional at the original facility shall: (i) get authorization from the receiving facility that the facility will admit the client; (ii) get consent from the client; and (iii) if consent to share information is granted by the client, notify the next of kin of the time and location of the transfer. The preceding requirements of this paragraph may be waived if the client has been admitted under emergency procedures to a State facility not serving the client's region of the State. Following an emergency admission, the client may be transferred to the appropriate State facility without consent according to the rules of the Commission.

(b) Before transferring a respondent held for a district court hearing or a committed respondent from one 24-hour facility to another, the responsible professional at the original facility shall:

(1) Obtain authorization from the receiving facility that the facility will admit the respondent; and

(2) Provide reasonable notice to the respondent, or legally responsible person, of the reason for the transfer and document the notice in the client's record.

No later that 24 hours after the transfer, the responsible professional at the original facility shall notify the petitioner, the clerk of court, and, if consent is granted by the respondent, the next of kin, that the transfer is completed. If the transfer is completed before the judicial commitment hearing, these proceedings shall be initiated by the receiving facility.

(c) Minors and incompetent adults, admitted pursuant to Parts 3 and 4 of this Article, may be transferred from one 24-hour facility to another following the same procedures specified in subsection (b) of this section. In addition, the legally responsible person shall be consulted before the proposed transfer. If the transfer is completed before the judicial determination required in G.S. 122C-223 or G.S. 122C-232, these proceedings shall be initiated by the receiving facility.

(d) Minors and incompetent adults, admitted pursuant to Part 5 of this Article, may be transferred from one 24-hour facility to another provided that prior to transfer the responsible professional at the original facility shall:

(1) Obtain authorization from the receiving facility that the facility will admit the client; and

(2) Provide reasonable notice to the client regarding the reason for transfer and document the notice in the client's record; and

(3) Provide reasonable notice to and consult with the legally responsible person regarding the reason for the transfer and document the notice and consultation in the client's record.

No later than 24 hours after the transfer, the responsible professional at the original facility shall notify the legally responsible person that the transfer is completed.

(e) The responsible professional may transfer a client from one facility to another for emergency medical treatment, emergency medical evaluation, or emergency surgery without notice to or consent from the client. Within a reasonable period of time the responsible professional shall notify the next of kin or the legally responsible person of the client of the transfer.

(f) When a client is transferred to another facility solely for medical reasons, the client shall be returned to the original facility when the medical care is completed unless the responsible professionals at both facilities concur that discharge of the client who is not subject to G.S. 122C-266(b) is appropriate.

(g) The Commission may adopt rules to implement this section.

"§ 122C-207. *Confidentiality.*—Court records made in all proceedings pursuant to this Article are confidential, and are not open to the general public except as provided for by G.S.122C-54(d).

"§ 122C-208. *Voluntary admission not admissible in involuntary proceeding.*—Except when considering treatment history as it pertains to an involuntary outpatient commitment, the fact that an individual has been voluntarily admitted for treatment shall not be competent evidence in an involuntary commitment proceeding.

"§ 122C-209. *Voluntary admissions acceptance.*—Nothing contained in Parts 2 through 5 of this Article requires a private physician or private facility to accept an individual as a client for examination or treatment. Examination or treatment at a private facility or by a private physician is at the expense of the individual to the extent that charges are not disposed of by contract between the area authority and private facility.

"§ 122C-210. *Guardian to pay expenses out of estate.*—It is the duty of the guardian who has legal custody of the estate of an incompetent individual held pursuant to the provisions of this Article in a facility to supply funds for his support in the facility during the stay as long as there are sufficient funds for that purpose over and beyond maintaining and supporting those individuals who may be legally dependent on the estate.

"§ 122C-210.1. *Immunity from liability.*—No facility or any of its officials, staff, or employees, or any physician or other individual who is responsible for the examination, management, supervision, treatment, or release of a client and who follows accepted professional judgment, practice, and standards is civilly liable, personally or otherwise, for actions arising from these responsibilities or for actions of the client. This immunity is in addition to any other legal immunity from liability to which these facilities or individuals may be entitled.

"Part 2. Voluntary Admissions and Discharges, Competent Adults, Facilities for the Mentally Ill and Substance Abusers.

"§ 122C-211. *Admissions.*—(a) Except as provided in subsections (b) through (e) of this section, any individual in need of treatment for mental illness or substance abuse may seek voluntary admission at any facility for the mentally ill or substance abusers by presenting himself for evaluation to the facility. No physician's statement is necessary, but a written application for evaluation or admission, signed by the individual seeking admission, is required. The application form shall be available at all times at all facilities. However, no one shall be denied admission because application forms are not available. An evaluation shall determine whether the individual is in need of care, treatment, habilitation or rehabilitation for mental illness or substance abuse or further evaluation by the facility. Information provided by family members regarding the individual's need for treatment shall be reviewed in the evaluation. An individual may not be accepted as a client if the facility determines that the individual does not need or cannot benefit from the care, treatment, habilitation, or rehabilitation available and that the individual is not in need of further evaluation by the facility. The facility shall give to an individual who is denied admission a referral to another facility or facilities that may be able to provide the treatment needed by the client.

(b) In 24-hour facilities the application shall acknowledge that the applicant may be held by the facility for a period of 72 hours after any

written request for release that he may make, and shall acknowledge that the 24-hour facility may have the legal right to petition for involuntary commitment of the applicant during that period. At the time of application, the facility shall tell the applicant about procedures for discharge.

(c) Any individual who voluntarily seeks admission to a 24-hour facility in which medical care is an integral component of the treatment shall be examined and evaluated by a physician of the facility within 24 hours of admission. The evaluation shall determine whether the individual is in need of treatment for mental illness or substance abuse or further evaluation by the facility. If the evaluating physician determines that the individual will not benefit from the treatment available, the individual shall not be accepted as a client.

(d) Any individual who voluntarily seeks admission to any 24-hour facility, other than one in which medical care is an integral component of the treatment, shall have a medical examination within 30 days before or after admission if it is reasonably expected that he will receive treatment for more than 30 days. When applicable, this examination may be included in an examination conducted to meet the requirements of G.S. 122C-223 or G.S. 122C-232.

(e) When an individual from a single portal area seeks admission to an area or State 24-hour facility, the admission shall follow the procedures as prescribed in the area plan. When an individual from a single portal area presents himself for admission to the facility directly and is in need of an emergency admission, he may be accepted for admission. The facility shall notify the area authority within 24 hours of the admission. Further planning of treatment for the client is the joint responsibility of the area authority and the facility as prescribed in the area plan.

"§ 122C-212. *Discharges.*—(a) Except as provided in subsections (b) and (c) of this section, an individual who has been voluntarily admitted to a facility shall be discharged upon his own request. A request for discharge from a 24-hour facility shall be in writing.

(b) An individual who has been voluntarily admitted to a 24-hour facility may be held for 72 hours after his written application for discharge is submitted.

(c) When an individual from a single portal area who has been voluntarily admitted to an area or State 24-hour facility is discharged, the discharge shall follow the procedures as prescribed in the area plan.

"Part 3. Voluntary Admissions and Discharges, Minors, Facilities for the Mentally Ill and Substance Abusers.

"§ 122C-221. *Admissions.*—Except as otherwise provided in this Part, a minor may be admitted to a facility if the minor is mentally ill or a substance abuser and in need of treatment. The provisions of G.S. 122C-211 shall apply to admissions of minors under this Part. Except as provided in G.S. 90-21.5, in applying for admission to a facility, in consenting to medical treatment when consent is required, and in any other legal procedure under this Article, the legally responsible person shall act for a minor.

"§ 122C-222. *Emergency admission to a 24-hour facility.*—(a) In an emergency situation, a minor who is mentally ill or a substance abuser and in need of treatment may be admitted to a 24-hour facility upon his own written application, and the application shall serve as the initiating document for the hearing conducted in accordance with G.S. 122C-223. Within 24 hours of admission, the facility shall notify the legally responsible person of the admission unless notification is impossible due to inability to identify the legally responsible person or to inability to locate or contact him after all reasonable means to establish contact have been attempted.

(b) If after 30 days no legally responsible person can be located, the responsible professional shall initiate proceedings for juvenile protective services as described in Article 44 of Chapter 7A of the General Statutes in either the minor's county of residence or in the county in which the facility is located.

"§ 122C-223. *Judicial determination.*—(a) When a minor is admitted to a 24-hour facility where the minor will be subjected to the same restrictions on his freedom of movement present in the State facilities for the mentally ill, or to similar restrictions, a hearing shall be held in the district court in the county in which the 24-hour facility is located within 10 days of the day that the minor is admitted to the facility. A continuance of not more that five days may be granted upon motion of:

(1) the court;

(2) respondent's counsel; or

(3) the responsible professional.

The Commission shall adopt rules governing procedures for admission to other 24-hour facilities not falling within the category of facilities where freedom of movement is restricted. These rules shall be designed to ensure that no minor is improperly admitted to or remains in a 24-hour facility.

(b) In any case requiring the hearing described in subsection (a) of this section, no petition is necessary. The written application for voluntary admission shall serve as the initiating document for the hearing. The court shall determine whether the minor is mentally ill or a substance abuser and is in need of further treatment at the facility. Further treatment at the facility should be undertaken only when lesser measures will be insufficient. If the court finds by clear, cogent, and convincing evidence that these requirements have been met, the court shall concur with the voluntary admission of the minor. If the court finds that these requirements have not been met, it shall order that the minor be released. A finding of dangerousness to himself or others is not necessary to support the determination that further treatment should be undertaken.

(c) When it appears that an extended period of diagnostic evaluation is necessary before a recommendation can be made to the court, the responsible professional may request a continued stay in the facility not to exceed 30 days for diagnosis and evaluation. The following procedures apply:

(1) At least 48 hours in advance of the regularly calendared hearing provided in subsection (a) of this section, the responsible professional shall give written notice to the clerk of superior

court, the minor, the legally responsible person, and the attorneys for all parties that diagnosis and evaluation of the minor cannot be completed before the calendared hearing and that he will request that the court authorize a period of continued stay in the facility not to exceed 30 days for the purpose of diagnosing and evaluating the minor.

(2) The court shall determine whether there exist reasonable grounds to believe:

a. That the minor is probably mentally ill or a substance abuser;

b. That the minor may, upon diagnosis and evaluation, be found to meet the criteria for admission as set out in subsection (b) of this section; and

c. That the additional time is required to complete the diagnosis and evaluation.

(3) If the court finds that the criteria set out in subdivision (2) of this subsection have been met, it shall authorize a period of continued stay in the facility for diagnosis and evaluation, not to exceed 30 days, and establish a new date for the hearing provided in subsection (a) of this section to occur by the end of the specified period. During this period, medical, psychiatric, psychological, educational, and social evaluation shall be undertaken and reasonable and appropriate medication and treatment that is consistent with accepted medical standards may be administered.

(4) If the court does not make findings of fact as set out in subdivision (2) of this subsection, the minor shall be ordered released.

(d) Unless otherwise provided in this Part, the hearing specified in subsection (a) of this section, including the provisions for representation of indigent minors, all subsequent proceedings, and conditional release are governed by the involuntary commitment procedures of Part 7 of this Article.

(e) In addition to the notice of hearings and rehearings to the minor and his counsel required under Part 7 of this Article, notice shall be given by the clerk to the legally responsible person who signed the application for voluntary admission. The legally responsible person who signed the application for voluntary admission, may also file a written waiver of his right to receive notice with the clerk of court.

"§ 122C-224. *Discharges.*—(a) Except as provided in subsection (b) of this section, a minor shall be discharged upon his legally responsible person's request as provided in G.S. 122C-212. However, a minor admitted upon his own application shall be discharged upon his own application as provided in G.S. 122C-212.

(b) After the court has concurred in the admission of a minor to a 24-hour facility as provided in G.S. 122C-223, only the facility or the court may release the minor when either determines that the minor is no longer in need of treatment at the facility. If the legally responsible person believes that release is in the best interest of the minor, and the facility refuses release, the legally responsible person may apply to the court for a hearing for discharge.

"Part 4. Voluntary Admissions and Discharges, Incompetent Adults, Facilities for the Mentally Ill and Substance Abusers.

"§ 122C-231. *Admissions.*—Except as otherwise provided in this Part an incompetent adult may be admitted to a facility when the individual is mentally ill or a substance abuser and in need of treatment. The provisions of G.S. 122C-211 shall apply to admissions of an incompetent adult under this Part except that the legally responsible person shall act for the individual, in applying for admission to a facility, in consenting to medical treatment when consent is required, in giving or receiving any legal notice, and in any other legal procedure under this Article.

"§ 122C-232. *Judical determination.*—(a) When an incompetent adult is admitted to a 24-hour facility where the incompetent adult will be subjected to the same restrictions on his freedom of movement present in the State facilities for the mentally ill, or to similar restrictions, a hearing shall be held in the district court in the county in which the 24-hour facility is located within 10 days of the day that the incompetent adult is admitted to the facility. A continuance of not more than five days may be granted upon motion of:

(1) the court;
(2) respondent's counsel; or
(3) the responsible professional.

The Commission shall adopt rules governing procedures for admission to other 24-hour facilities not falling within the category of facilities where freedom of movement is restricted; these rules shall be designed to ensure that no incompetent adult is improperly admitted to or remains in a facility.

(b) In any case requiring the hearing described in subsection (a) of this section, no petition is necessary; the written application for voluntary admission shall serve as the initiating document for the hearing. The court shall determine whether the incompetent adult is mentally ill or a substance abuser and is in need of further treatment at the facility. Further treatment at the facility should be undertaken only when lesser measures will be insufficient. If the court finds by clear, cogent, and convincing evidence that these requirements have been met, the court shall concur with the voluntary admission of the incompetent adult. If the court finds that these requirements have not been met, it shall order that the incompetent adult be released. A finding of dangerousness to self or others is not necessary to support the determination that further treatment should be undertaken.

(c) Unless otherwise provided in this Part, the hearing specified in subsection (a) of this section, including the provisions for representation of indigent incompetent adults, all subsequent proceedings, and conditional release are governed by the involuntary commitment procedures of Part 7 of this Article.

(d) In addition to the notice of hearings and rehearings to the incompetent adult and his counsel required under Part 7 of this Article, notice shall be given by the clerk to the legally responsible person, or his successor. The legally responsible person, or his successor may also file with the clerk of court a written waiver of his right to receive notice.

"§ 122C-233. *Discharges.*—(a) Except as provided in subsection (b) of this section, an incompetent adult shall be discharged upon the request of the legally responsible person as provided in G.S. 122C-212.

(b) After the court has concurred in the admission of an incompetent adult to a 24-hour facility as provided in G.S. 122C-232, only the facility or the court may release the incompetent adult at any time when either determines that the incompetent adult does not need further treatment at the facility. If the legally responsible person believes that release is in the best interest of the incompetent adult, and the facility refuses release, the legally responsible person may apply to the court for a hearing for discharge.

"Part 5. Voluntary Admissions and Discharges, Minors and Adults, Facilities for Individuals with Mental Retardation.

"§ 122C-241. *Admissions.*—(a) Except as provided in subsection (c) of this section an individual with mental retardation may be admitted to a facility for the mentally retarded in order that he receive care, habilitation, training, or treatment. Application for admission is made as follows:

(i) A minor with mental retardation may be admitted upon application by both the father and the mother if they are living together and, if not, by the parent or parents having custody or by the legally responsible person.

(ii) An adult with mental retardation who has been adjudicated incompetent under Chapters 33 or 35 of the General Statutes may be admitted upon application by his guardian.

(iii) An adult with mental retardation who has not been adjudicated incompetent under Chapters 33 or 35 of the General Statutes may be admitted upon his own application.

(b) Prior to admission to a 24-hour facility, the individual shall be examined and evaluated by a physician, licensed practicing psychologist or psychological associate to determine whether the individual is mentally retarded. In addition, the individual shall be examined and evaluated by a qualified mental retardation professional no sooner than 31 days prior to admission or within 72 hours after admission to determine whether the individual is in need of care, habilitation, training or treatment by the facility. If the evaluating professional determines that the individual will not benefit from an admission, the individual shall not be admitted as a client.

(c) An admission to an area or State 24-hour facility of an individual from a single portal area shall follow the procedures as prescribed in the area plan. When an individual from a single portal area presents himself or is presented for admission to a State facility for the mentally retarded directly and is in need of an emergency admission, he may be accepted for admission. The State facility shall notify the area authority within 24 hours of the admission and further planning of treatment for the individual is the joint responsibility of the area authority and the State facility as prescribed in the area plan.

"§ 122C-242. *Discharges.*—(a) Except as provided in subsections (b) through (d) of this section, discharges from facilities for individuals with mental retardation are made upon request of the individual authorized in G.S. 122C-241(a) to make application for admission or by the director of the facility.

(b) Any adult who has not been declared incompetent and who is admitted to a 24-hour facility shall be discharged upon his own request, unless the director of the facility has reason to believe that the adult is endangering himself by the discharge. In this case the individual may be held for a period not to exceed five days while the director petitions for the adjudication of incompetency of the individual and the appointment of an interim guardian under Chapters 33 or 35 of the General Statutes.

(c) Any individual admitted to a 24-hour facility may be discharged when in the judgment of the director of the facility the individual is no longer in need of care, treatment, habilitation or rehabilitation by the facility or the individual will no longer benefit from the service available. In the case of an area or State facility rules adopted by the Commission or by the Secretary in accordance with G.S. 122C-63 shall be followed.

(d) When the individual to be discharged from an area or State 24-hour facility is a resident of a single portal area, the discharge shall follow the procedures described in the area plan.

"Part 6. Involuntary Commitment — General Provisions.

"§ 122C-251. *Transportation.*—(a) Except as provided in subsections (f) and (g), transportation of a respondent within a county under the involuntary commitment proceedings of this Article, including admission and discharge, shall be provided by the city or county. The city has the duty to provide transportation of a respondent who is a resident of the city or who is taken into custody in the city limits. The county has the duty to provide transportation for a respondent who resides in the county outside city limits or who is taken into custody outside of city limits. However, cities and counties may contract with each other to provide transportation.

(b) Except as provided in subsections (f) and (g) or in G. S. 122C-408(b), transportation between counties under the involuntary commitment proceedings of this Article for admission to a 24-hour facility shall be provided by the county where the respondent is taken into custody. Transportation between counties under the involuntary commitment proceedings of this Article for discharge of a respondent from a 24-hour facility shall be provided by the county of residence of the respondent. However, a respondent being discharged from a facility may use his own transportation at his own expense.

(c) Transportation of a respondent may be by city- or county- owned vehicles or by private vehicle by contract with the city or county. To the extent feasible, law enforcement officers transporting respondents shall dress in plain clothes and shall travel in unmarked vehicles.

(d) In providing transportation of a respondent, a city or county shall provide a driver or attendant who is the same sex as the respondent,

unless the law enforcement officer allows a family member of the respondent to accompany the respondent in lieu of an attendant of the same sex as the respondent.

(e) In providing transportation required by this section, the law enforcement officer may use reasonable force to restrain the respondent if it appears necessary to protect himself, the respondent, or others. No law enforcement officer may be held criminally or civilly liable for assault, false imprisonment, or other torts or crimes on account of reasonable measures taken under the authority of this Article.

(f) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a clerk, a magistrate, or a district court judge, where applicable, may authorize the family or immediate friends of the respondent, if they so request, to transport the respondent in accordance with the procedures of this Article. This authorization shall only be granted in cases where the danger to the public, the family or friends of the respondent, or the respondent himself is not substantial. The family or immediate friends of the respondent shall bear the costs of providing this transportation.

(g) The governing body of a city or county may adopt a plan for transportation of respondents in involuntary commitment proceedings in this Article. Law enforcement personnel, volunteers, or other public or private agency personnel may be designated to provide all or parts of the transportation required by involuntary commitment proceedings. Persons so designated shall be trained and the plan shall assure adequate safety and protections for both the public and the respondent. Law enforcement, other affected agencies, and the area authority shall participate in the planning. If any person other than a law enforcement agency is designated by a city or county, the person so designated shall provide the transportation and follow the procedures in this Article. References in this Article to a law enforcement officer apply to this person.

(h) The cost and expenses of transporting a respondent to or from a 24-hour facility is the responsibility of the county of residence of the respondent. The State (when providing transportation under G.S. 122C-408(b)), a city, or a county is entitled to recover the reasonable cost of transportation from either (i) the respondent or some other individual liable for his support and maintenance, if there is property sufficient to pay the cost; or (ii) the county of residence of an indigent respondent.

"§ 122C-252. *Twenty-four hour facilities for custody and treatment of involuntary clients.*—State facilities, 24-hour facilities licensed under this Chapter or hospitals licensed under Chapter 131E may be designated by the Secretary as facilities for the custody and treatment of involuntary clients. Designation of these facilities shall be made in accordance with rules of the Secretary that assure the protection of the client and the general public. Facilities so designated may detain a client under the procedures of Parts 7 and 8 of this Article both before a district court hearing and after commitment of the respondent.

"§ 122C-253. *Fees under commitment order.*—Nothing contained in Parts 6, 7, or 8 of this Article requires a private physician or private facility to accept a respondent as a client either before or after

commitment. Treatment at a private facility or by a private physician is at the expense of the respondent to the extent that the charges are not disposed of by contract between the area authority and the private facility. An area authority and its contract agencies shall set and recover fees for inpatient or outpatient treatment services provided under a commitment order in accordance with G.S. 122C-146.

"§ 122C-254. *Housing responsibility for certain clients in or escapees from involuntary commitment.*—(a) Any individual who has been involuntarily committed under the provisions of this Article to a 24-hour facility:

(1) Who escapes from or is absent without authorization from the facility before being discharged; and

(2) Who is charged with a criminal offense committed after the escape or during the unauthorized absence; and

(3) Whose involuntary commitment is determined to be still valid by the judge or judicial officer who would make the pretrial release determination regarding the criminal offense under the provisions of G.S. 15A-533 and G.S. 15A-534; or

(4) Who is charged with committing a crime while still residing in the facility and whose commitment is still valid as prescribed by subdivision (3) of this section;

shall be denied pretrial release pursuant to G.S. 15A-533 and G.S. 15A-534. In lieu of pretrial release, and pending the additional proceedings on the criminal offense, the individual shall be returned to the 24-hour facility in which he was residing at the time of the alleged crime or from which he escaped or absented himself for continuation of his commitment.

(b) Absent findings of lack of mental responsibility for his criminal offense or lack of competency to stand trial for the criminal offense, the involuntary commitment of an individual as described in subsection (a) of this section shall not be utilized in lieu of nor shall it constitute a bar to proceeding to trial for the criminal offense. At any time that the district court or the responsible professional of the 24-hour facility finds that the individual should be unconditionally discharged, committed for outpatient treatment, or conditionally released, the facility shall notify the clerk of superior court in the county in which the criminal charge is pending before making the change in status. At this time, a pretrial release determination pursuant to the provisions of G.S. 15A-533 and G.S. 15A-534 shall be made. In this event, arrangements for returning the individual for the pretrial release determination shall be the responsibility of the clerk of superior court.

(c) An individual who has been processed in accordance with subsections (a) and (b) of this section may not later be returned to a 24-hour facility before trial except pursuant to involuntary commitment proceedings by the district court in accordance with Parts 7 and 8 of this Article or after proceedings in accordance with the provisions of G.S. 15A-1002 or G.S. 15A-1321.

(d) Other involuntarily committed respondents who escape, but do not meet the additional criteria specified in subsection (a) of this section, are handled in accordance with the provisions of G.S. 122C-205.

"Part 7. Involuntary Commitment of the Mentally Ill and the Mentally Retarded with Behavior Disorders, Facilities for the Mentally Ill.

"§ 122C-261. *Affidavit and petition before clerk or magistrate; custody order.*—(a) Anyone who has knowledge of an individual who is: (i) mentally ill and either dangerous to himself or others or in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness, or (ii) mentally retarded and, because of an accompanying behavior disorder, is dangerous to others, may appear before a clerk or assistant or deputy clerk of superior court or a magistrate and execute an affidavit to this effect, and petition the clerk or magistrate for issuance of an order to take the respondent into custody for examination by a physician. The affidavit shall include the facts on which the affiant's opinion is based. Jurisdiction under this subsection is in the clerk or magistrate in the county where the respondent resides or is found.

(b) If the clerk or magistrate finds reasonable grounds to believe that the facts alleged in the affidavit are true and that the respondent is probably (i) mentally ill and either dangerous to himself or others or in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness, or (ii) mentally retarded and, because of an accompanying behavior disorder, is dangerous to others, he shall issue an order to a law enforcement officer or any other person authorized under G.S. 122C-251 to take the respondent into custody for examination by a physician.

(c) If the clerk or magistrate issues a custody order, he shall also make inquiry in any reliable way as to whether the respondent is indigent within the meaning of G.S. 7A-450. A magistrate shall report the result of this inquiry to the clerk.

(d) If the affiant is a physician, he may execute the affidavit before any official authorized to administer oaths. He is not required to appear before the clerk or magistrate for this purpose. His examination shall comply with the requirements of the initial examination as provided in G.S. 122C-263(c). If the physician petitioner's recommendation is for inpatient commitment and the clerk or magistrate finds probable cause to believe that the respondent meets the criteria for inpatient commitment, he shall issue an order for transportation to or custody at a 24-hour facility described in G.S. 122C-252. If a physician executes an affidavit for inpatient commitment of a respondent, a second physician shall be required to perform the examination required by G.S. 122C-266.

(e) Upon receipt of the custody order of the clerk or magistrate or a custody order issued by the court pursuant to G.S. 15A-1003 or G.S. 15A-1321, a law enforcement officer or other person designated in the order shall take the respondent into custody within 24 hours after the order is signed, and proceed according to G.S. 122C-263.

(f) When a petition is filed for an individual who is a resident of a single portal area, the procedures for examination by a physician as set forth in G.S. 122C-263 shall be carried out in accordance with the area plan. When an individual from a single portal area is presented for commitment at a 24-hour area or State facility directly, he may be

accepted for admission in accordance with G.S. 122C-266. The facility shall notify the area authority within 24 hours of the admission and further planning of treatment for the client is the joint responsibility of the area authority and the facility as prescribed in the area plan.

"§ 122C-262. *Special emergency procedure for violent individuals.*—When an individual subject to commitment under the provisions of this Part is also violent and requires restraint and when delay in taking him to a physician for examination would likely endanger life or property, a law enforcement officer may take the individual into custody and take him immediately before a magistrate or clerk. The law enforcement officer shall execute the affidavit required by G.S. 122C-261 and in addition shall swear that the respondent is violent and requires restraint and that delay in taking the respondent to a physician for an examination would endanger life or property.

If the clerk or magistrate finds by clear, cogent, and convincing evidence that the facts stated in the affidavit are true, that the respondent is in fact violent and requires restraint, and that delay in taking the respondent to a physician for an examination would endanger life or property, he shall order the law enforcement officer to take the respondent directly to a 24-hour facility described in G.S. 122C-252.

Respondents received at a 24-hour facility under the provisions of this section shall be examined and processed thereafter in the same way as all other respondents under this Part.

"§ 122C-263. *Duties of law enforcement officer; first examination by physician.*—(a) Without unnecessary delay after assuming custody, the law enforcement officer or the individual designated by the clerk or magistrate under G.S. 122C-251(g) to provide transportation shall take the respondent to an area facility for examination by a physician; if a physician is not available in the area facility, he shall take the respondent to any physician locally available. If a physician is not immediately available, the respondent may be temporarily detained in an area facility, if one is available; if an area facility is not available, he may be detained under appropriate supervision in his home, in a private hospital or a clinic, in a general hospital, or in a State facility for the mentally ill, but not in a jail or other penal facility.

(b) The examination set forth in subsection (a) of this section is not required if:

(1) The affiant who obtained the custody order is a physician who recommends inpatient commitment;

(2) The custody order states that the respondent was charged with a violent crime, including a crime involving assault with a deadly weapon, and he was found not guilty by reason of insanity or incapable of proceeding; or

(3) The respondent is in custody under the special emergency procedure described in G.S. 122C-262.

In any of these cases, the law enforcement officer shall take the respondent directly to a 24-hour facility described in G.S. 122C-252.

(c) The physician described in subsection (a) of this section shall examine the respondent as soon as possible, and in any event within 24

hours, after the respondent is presented for examination. The examination shall include but is not limited to an assessment of the respondent's:

(1) Current and previous mental illness or mental retardation including, if available, previous treatment history;
(2) Dangerousness to himself or others as defined in G.S. 122C-3(11);
(3) Ability to survive safely without inpatient commitment, including the availability of supervision from family, friends or others; and
(4) Capacity to make an informed decision concerning treatment.

(d) After the conclusion of the examination the physician shall make the following determinations:

(1) If the physician finds that:
a. The respondent is mentally ill;
b. The respondent is capable of surviving safely in the community with available supervision from family, friends, or others;
c. Based on the respondent's treatment history, the respondent is in need of treatment in order to prevent further disability or deterioration which would predictably result in dangerousness as defined by G.S. 122C-3(11); and
d. His current mental status or the nature of his illness limits or negates his ability to make an informed decision to seek voluntarily or comply with recommended treatment;

The physician shall so show on the physician's examination report and shall recommend outpatient commitment. In addition the examining physician shall show the name, address, and telephone number of the proposed outpatient treatment physician or center. The person designated in the order to provide transportation shall return the respondent to his regular residence or to the home of a consenting individual, and he shall be released from custody.

(2) If the physician finds that the respondent is mentally ill and is dangerous to himself or others, or is mentally retarded, and because of an accompanying behavior disorder, is dangerous to others, he shall recommend inpatient commitment, and he shall so show on the physician's examination report. The law enforcement officer or other designated person shall take the respondent to a 24-hour facility described in G.S. 122C-252 pending a district court hearing. If there is no area 24-hour facility and if the respondent is indigent and unable to pay for his care at a private 24-hour facility, the law enforcement officer or other designated person shall take the respondent to a State facility for the mentally ill designated by the Commission for custody, observation, and treatment and immediately notify the clerk of superior court of his actions.

(3) If the physician finds that neither condition described in subdivisions (1) or (2) of this subsection exists, the respondent shall be released and the proceedings terminated.

(e) The findings of the physician and the facts on which they are based shall be in writing in all cases. The physician shall send a copy of the findings to the clerk of superior court by the most reliable and expeditious means. If it cannot be reasonably anticipated that the clerk will receive

the copy within 48 hours of the time that it was signed, the physician shall also communicate his findings to the clerk by telephone.

(f) When outpatient commitment is recommended, the examining physician, if different from the proposed outpatient treatment physician or center, shall give the respondent a written notice listing the name, address, and telephone number of the proposed outpatient treatment physician or center and directing the respondent to appear at the address at a specified date and time. The examining physician before the appointment shall notify by telephone the designated outpatient treatment physician or center and shall send a copy of the notice and his examination report to the physician or center.

"§ 122C-264. *Duties of clerk of superior court.*—(a) Upon receipt of a physician's finding that the respondent meets the criteria of G.S. 122C-263(d)(1) and that outpatient commitment is recommended, the clerk of superior court of the county where the petition was initiated, upon direction of a district court judge, shall calendar the matter for hearing and shall notify the respondent, the proposed outpatient treatment physician or center, and the petitioner of the time and place of the hearing. The petitioner may file a written waiver of his right to notice under this subsection with the clerk of court.

(b) Upon receipt of a physician's finding that a respondent meets the criteria of G.S. 122C-263(d)(2) and that inpatient commitment is recommended, the clerk of superior court of the county where the 24-hour facility is located shall, after determination required by G.S. 122C-261(c) and upon direction of a district court judge, assign counsel if necessary, calendar the matter for hearing, and notify the respondent, his counsel, and the petitioner of the time and place of the hearing. The petitioner may file a written waiver of his right to notice under this subsection with the clerk of court.

(c) Notice to the respondent, required by subsections (a) and (b) of this section, shall be given as provided in G.S. 1A-1, Rule 4(j) at least 72 hours before the hearing. Notice to other individuals shall be sent at least 72 hours before the hearing by first-class mail postage prepaid to the individual's last known address.

(d) In cases described in G.S. 122C-266(b) in addition to notice required in subsections (a) and (b) of this section, the clerk of superior court shall notify the chief district judge and the district attorney in the county in which the defendant was found not guilty by reason of insanity or incapable of proceeding. The notice shall be given in the same way as the notice required by subsection (c) of this section. The judge or the district attorney may file a written waiver of his right to notice under this subsection with the clerk of court.

(e) The clerk of superior court of the county where outpatient commitment is to be supervised shall keep a separate list regarding outpatient commitment and shall prepare quarterly reports listing all active cases, the assigned supervisor, and the disposition of all hearings, supplemental hearings, and rehearings.

(f) The clerk of superior court of the county where inpatient commitment hearings and rehearings are held shall provide all notices, send all records and maintain a record of all proceedings as required by

this Part; provided that if the respondent has been committed to a 24-hour facility in a county other than his county of residence and the district court hearing is held in the county of the facility, the clerk of superior court in the county of the facility shall forward the record of the proceedings to the clerk of superior court in the county of respondent's residence, where they shall be maintained by receiving clerk.

"§ 122C-265. *Outpatient commitment; examination and treatment pending hearing.*—(a) If a respondent, who has been recommended for outpatient commitment by an examining physician different from the proposed outpatient treatment physician or center, fails to appear for examination by the proposed outpatient treatment physician or center at the designated time, the physician or center shall notify the clerk of superior court who shall issue an order to a law enforcement officer or other person authorized under G.S. 122C-251 to take the respondent into custody and take him immediately to the outpatient treatment physician or center for evaluation. The law enforcement officer may wait during the examination and return the respondent to his home after the examination.

(b) The examining physician or the proposed outpatient treatment physician or center may prescribe to the respondent reasonable and appropriate medication and treatment that are consistent with accepted medical standards pending the district court hearing.

(c) In no event may a respondent released on a recommendation that he meets the outpatient commitment criteria be physically forced to take medication or forceably detained for treatment pending a district court hearing.

(d) If at any time pending the district court hearing the outpatient treatment physician or center determines that the respondent does not meet the criteria of G.S. 122C-263(d) (1), he shall release the respondent and notify the clerk of court and the proceedings shall be terminated.

(e) If a respondent becomes dangerous to himself or others pending a district court hearing on outpatient commitment, new proceedings for involuntary inpatient commitment may be initiated.

(f) If an inpatient commitment proceeding is initiated pending the hearing for outpatient commitment and the respondent is admitted to a 24-hour facility to be held for an inpatient commitment hearing, notice shall be sent by the clerk of court in the county where the respondent is being held to the clerk of court of the county where the outpatient commitment was initiated and the outpatient commitment proceeding shall be terminated.

"§ 122C-266. *Inpatient commitment; second examination and treatment pending hearing.*—(a) Except as provided in subsections (b) and (e), within 24 hours of arrival at a 24-hour facility described in G.S. 122C-252, the respondent shall be examined by a physician. The examination shall include but is not limited to the assessment specified in G.S. 122C-263(c).

(1) If the physician finds that the respondent is mentally ill and is dangerous to himself or others or is mentally retarded and, because of an accompanying behavior disorder, is dangerous to others, he shall hold the respondent at the facility pending the district court hearing.

(2) If the physician finds that the respondent meets the criteria for outpatient commitment under G.S. 122C-263(d)(1), he shall show his findings on the physician's examination report, release the respondent pending the district court hearing, and notify the clerk of superior court of the county where the petition was initiated of his findings. In addition, the examining physician shall show on the examination report the name, address, and telephone number of the proposed outpatient treatment physician or center. He shall give the respondent a written notice listing the name, address, and telephone number of the proposed outpatient treatment physician or center and directing the respondent to appear at that address at a specified date and time. The examining physician before the appointment shall notify by telephone and shall send a copy of the notice and his examination report to the proposed outpatient treatment physician or center.

(3) If the physician finds that the respondent does not meet the criteria for commitment under either G.S. 122C-263(d)(1) or G.S. 122C-263(d)(2), he shall release the respondent and the proceedings shall be terminated.

(4) If the respondent is released under subdivisions (2) or (3) of this subsection, the law enforcement officer or other person designated to provide transportation shall return the respondent to the originating county.

(b) If the custody order states that the respondent was charged with a violent crime, including a crime involving assault with a deadly weapon, and that he was found not guilty by reason of insanity or incapable of proceeding, the physician shall examine him as set forth in subsection (a) of this section. However, the physician may not release him from the facility until ordered to do so following the district court hearing.

(c) The findings of the physician and the facts on which they are based shall be in writing, in all cases. A copy of the findings shall be sent to the clerk of superior court by reliable and expeditious means.

(d) Pending the district court hearing, the physician attending the respondent may administer to the respondent reasonable and appropriate medication and treatment that is consistent with accepted medical standards. Except as provided in subsection (b) of this section, if at any time pending the district court hearing, the attending physician determines that the respondent no longer meets the criteria of either G.S. 122C-263(d)(1) or (d)(2), he shall release the respondent and notify the clerk of court and the proceedings shall be terminated.

(e) If the 24-hour facility described in G.S. 122C-252 is the facility in which the first examination by a physician occurred and is the same facility in which the respondent is held, the second examination must occur not later than the following regular working day.

"§ 122C-267. *Outpatient commitment; district court hearing.*—(a) A hearing shall be held in district court within 10 days of the day the respondent is taken into custody pursuant to G.S. 122C-261(e). Upon its own motion or upon motion of the proposed outpatient treatment physician or the respondent, the court may grant a continuance of not more than five days.

(b) The respondent shall be present at the hearing. A subpoena may be issued to compel the respondent's presence at a hearing. The petitioner and the proposed outpatient treatment physician or his designee may be present and may provide testimony.

(c) Certified copies of reports and findings of physicians and medical records of previous and current treatment are admissible in evidence.

(d) At the hearing to determine the necessity and appropriateness of outpatient commitment, the respondent need not, but may, be represented by counsel. However, if the court determines that the legal or factual issues raised are of such complexity that the assistance of counsel is necessary for an adequate presentation of the merits or that the respondent is unable to speak for himself, the court may continue the case for not more than five days and order the appointment of counsel for an indigent respondent.

(e) Hearings may be held at the area facility in which the respondent is being treated, if it is located within the judge's judicial district, or in the judge's chambers. A hearing may not be held in a regular courtroom, over objection of the respondent, if in the discretion of a judge a more suitable place is available.

(f) The hearing shall be closed to the public unless the respondent requests otherwise.

(g) A copy of all documents admitted into evidence and a transcript of the proceedings shall be furnished to the respondent on request by the clerk upon the direction of a district court judge. If the client is indigent, the copies shall be provided at State expense.

(h) To support an outpatient commitment order, the court is required to find by clear, cogent, and convincing evidence that the respondent meets the criteria specified in G.S. 122C-262(d)(l). The court shall record the facts which support its findings and shall show on the order the center or physician who is responsible for the management and supervision of the respondent's outpatient commitment.

"§ 122C-268. *Inpatient commitment; district court hearing.*—(a) A hearing shall be held in district court within 10 days of the day the respondent is taken into custody pursuant to G.S. 122C-261(e). A continuance of not more than five days may be granted upon motion of:

(1) the court;

(2) respondent's counsel; or

(3) the State,

sufficiently in advance to avoid movement of the respondent.

(b) The attorney, who is a member of the staff of the Attorney General assigned to one of the State's facilities for the mentally ill or the psychiatric service of North Carolina Memorial Hospital, shall represent the State's interest at commitment hearings, rehearings, and supplemental hearings held at the facility to which he is assigned under this Part.

(c) If the respondent's custody order indicates that he was charged with a violent crime, including a crime involving an assault with a deadly weapon, and that he was found not guilty by reason of insanity or incapable of proceeding, the clerk shall give notice of the time and place of the hearing as provided in G.S. 122C-264(d). The district attorney in the county in which the respondent was found not guilty by reason of

insanity or incapable of proceeding may represent the State's interest at the hearing.

(d) The respondent shall be represented by counsel of his choice; or if he is indigent within the meaning of G.S. 7A-450 or refuses to retain counsel if financially able to do so, he shall be represented by counsel appointed by the court.

(e) With the consent of the court, counsel may in writing waive the presence of the respondent.

(f) Certified copies of reports and findings of physicians and previous and current medical records are admissible in evidence, but the respondent's right to confront and cross-examine witnesses may not be denied.

(g) Hearings may be held in an appropriate room not used for treatment of clients at the facility in which the respondent is being treated if it is located within the judge's judicial district, or in the judge's chambers. A hearing may not be held in a regular courtroom, over objection of the respondent, if in the discretion of a judge a more suitable place is available.

(h) The hearing shall be closed to the public unless the respondent requests otherwise.

(i) A copy of all documents admitted into evidence and a transcript of the proceedings shall be furnished to the respondent on request by the clerk upon the direction of a district court judge. If the respondent is indigent, the copies shall be provided at State expense.

(j) To support an inpatient commitment order, the court shall find by clear, cogent, and convincing evidence that the respondent is mentally ill and dangerous to himself or others or is mentally retarded and, because of an accompanying behavior disorder, is dangerous to others. The court shall record the facts that support its findings.

"§ 122C-269. *Venue of district court hearing when respondent held at a 24-hour facility pending hearing.*—(a) In all cases where the respondent is held at a 24-hour facility pending the district court hearing as provided in G.S. 122C-268, unless the respondent through counsel objects to the venue, the hearing shall be held in the county in which the facility is located. Upon objection to venue, the hearing shall be held in the county where the petition was initiated.

(b) An official of the facility shall immediately notify the clerk of superior court of the county in which the facility is located of a determination to hold the respondent pending hearing. That clerk shall request transmittal of all documents pertinent to the proceedings from the clerk of superior court where the proceedings were initiated. The requesting clerk shall assume all duties set forth in G.S. 122C-264. The requesting clerk shall appoint as counsel for indigent respondents the counsel provided for in G.S. 122C-268(d).

(c) Upon motion of any interested person, the venue of an initial hearing described in G.S. 122C-268(c) or a rehearing required by G.S. 122C-276(b) or G.S. 122C-277(b) shall be moved to the county in which the respondent was found not guilty by reason of insanity or incapable of proceeding when the convenience of witnesses and the ends of justice would be promoted by the change.

"§ 122C-270. *Attorneys to represent the respondent and the State.*—(a) The senior regular resident superior court judge of a judicial district in which a State facility for the mentally ill is located shall appoint an attorney licensed to practice in North Carolina as special counsel for indigent respondents who are mentally ill or mentally retarded with an accompanying behavior disorder. This special counsel shall serve at the pleasure of the appointing judge, may not privately practice law, and shall receive annual compensation within the salary range for assistant district attorneys as fixed by the Administrative Officer of the Courts. The special counsel shall represent all indigent respondents at all hearings, rehearings, and supplemental hearings held at the State facility and on appeals held under this Article. Special counsel shall determine indigency in accordance with G.S. 7A-450(a). Indigency is subject to redetermination by the presiding judge.

(b) The State facility shall provide suitable office space for the counsel to meet privately with respondents. The Administrative Office of the Courts shall provide secretarial and clerical service and necessary equipment and supplies for the office.

(c) In the event of a vacancy in the office of special counsel, counsel's incapacity, or a conflict of interest, counsel for indigents at hearings or rehearings may be assigned by a district judge of the district. No mileage or compensation for travel time is paid to a counsel appointed pursuant to this subsection. Counsel may also be so assigned when, in the opinion of the Administrative Officer of the Courts, the volume of cases warrants.

(d) At hearings held in counties other than those designated in subsection (a) of this section, a district court judge shall appoint counsel for indigent respondents from members of the bar of the county in accordance with G.S. 122C-268(d).

(e) Counsel assigned to represent an indigent respondent at the initial district court hearing is also responsible for perfecting and concluding an appeal, if there is one. Upon completion of an appeal, or upon transfer of the respondent to a State facility for the mentally ill, if there is no appeal, assigned counsel is discharged. If the respondent is committed to a non-State 24-hour facility, assigned counsel remains responsible for his representation until discharged by order of district court, until the respondent is unconditionally discharged from the facility, or until the respondent voluntarily admits himself to the facility.

(f) The Attorney General may employ four attorneys, one to be assigned by him full-time to each of the State facilities for the mentally ill, to represent the State's interest at commitment hearings, rehearings and supplemental hearings held under this Article at the State facilities and to provide liaison and consultation services concerning these matters. These attorneys are subject to Chapter 126 of the General Statutes and shall also perform additional duties as may be assigned by the Attorney General. The attorney employed by the Attorney General in accordance with G.S. 114-4.2B shall represent the State's interest at commitment hearings, rehearings and supplemental hearings held at North Carolina Memorial Hospital under this Article.

"§ 122C-271. *Disposition.*—(a) If an examining physician has recommended outpatient commitment and the respondent has been

released pending the district court hearing, the court may make one of the following dispositions:

(1) If the court finds by clear, cogent, and convincing evidence that the respondent is mentally ill; that he is capable of surviving safely in the community with available supervision from family, friends, or others; that based on respondent's treatment in order to prevent further disability or deterioration that would predictably result in dangerousness as defined in G.S. 122C-3(11); and that the respondent's current mental status or the nature of his illness limits or negates his ability to make an informed decision to seek voluntarily or comply with recommended treatment, it may order outpatient commitment for a period not in excess of 90 days.

(2) If the court does not find that the respondent meets the criteria of commitment set out in subdivision (1) of this subsection, the respondent shall be discharged and the facility at which he was last a client so notified.

(b) If the respondent has been held in a 24-hour facility pending the district court hearing, the court may make one of the following dispositions:

(1) If the court finds by clear, cogent, and convincing evidence that the respondent is mentally ill; that he is capable of surviving safely in the community with available supervision from family, friends, or others; that based on respondent's treatment history, the respondent is in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness as defined by G.S. 122C-3(11); and that the respondent's current mental status or the nature of his illness limits or negates his ability to make an informed decision voluntarily to seek or comply with recommended treatment, it may order outpatient commitment for a period not in excess of 90 days. If the commitment proceedings were intitated as the result of the respondent's being charged with a violent crime, including a crime involving an assault with a deadly weapon, and the respondent was found not guilty by reason of insanity or incapable of proceeding, the commitment order shall so show.

(2) If the court finds by clear, cogent, and convincing evidence that the respondent is mentally ill and is dangerous to himself or others or is mentally retarded and, because of an accompanying behavior disorder, is dangerous to others, it may order inpatient commitment at a 24-hour facility described in G.S. 122C-252, or a combination of inpatient and outpatient commitment at both a 24-hour facility and an outpatient treatment physician or center, for a period not in excess of 90 days. However, an individual who is mentally retarded and, because of an accompanying behavior disorder, is dangerous to others may not be committed to a State, area or private facility for the mentally retarded. If the commitment proceedings were initiated as the result of the respondent's being charged with a violent crime, including a crime involving an assault with a deadly weapon, and the respondent

was found not guilty by reason of insanity or incapable of proceeding, the commitment order shall so show. If the court orders inpatient commitment for a respondent who is under an outpatient commitment order, the outpatient commitment is terminated; and the clerk of the superior court of the county where the district court hearing is held shall send a notice of the inpatient commitment to the clerk of superior court where the outpatient commitment was being supervised.

(3) If the court does not find that the respondent meets either of the commitment criteria set out in subdivisions (1) and (2) of this subsection, the respondent shall be discharged, and the facility in which he was last a client so notified.

(4) Before ordering any outpatient commitment, the court shall make findings of fact as to the availability of outpatient treatment. The court shall also show on the order the outpatient treatment physician or center who is to be responsible for the management and supervision of the respondent's outpatient commitment. When an outpatient commitment order is issued for a respondent held in a 24-hour facility, the court may order the respondent held at the facility for no more than 72 hours in order for the facility to notify the designated outpatient treatment physician or center of the treatment needs of the respondent. The clerk of court in the county where the facility is located shall send a copy of the outpatient commitment order to the designated outpatient treatment physician or center. If the outpatient commitment will be supervised in a county other than the county where the commitment originated, the court shall order venue for further court proceedings to be transferred to the county where the outpatient commitment will be supervised. Upon an order changing venue, the clerk of superior court in the county where the commitment originated shall transfer the file to the clerk of superior court in the county where the outpatient commitment is to be supervised.

"§ 122C-272. *Appeal.*—Judgement of the district court is final. Appeal may be had to the Court of Appeals by the State or by any party on the record as in civil cases. Appeal does not stay the commitment unless so ordered by the Court of Appeals. The Attorney General represents the State's interest on appeal. The district court retains limited jurisdiction for the purpose of hearing all reviews, rehearings, or supplemental hearings allowed or required under this Part.

"§ 122C-273. *Duties for follow-up on commitment order.*—(a) If the commitment order directs outpatient treatment, the outpatient treatment physician may prescribe or administer to the respondent reasonable and appropriate medication and treatment that are consistent with accepted medical standards.

(1) If the respondent fails to comply or clearly refuses to comply with all or part of the prescribed treatment, the physician or his designee shall make all reasonable effort to solicit the respondent's compliance. These efforts shall be documented and reported to the court with a request for a supplemental hearing.

(2) If the respondent fails to comply, but does not clearly refuse to comply, with all or part of the prescribed treatment after reasonable effort to solicit the respondent's compliance, the physician or his designee may request the court to order the respondent taken into custody for the purpose of examination. Upon receipt of this request, the clerk shall issue an order to a law enforcement officer to take the respondent into custody and to take him immediately to the designated outpatient treatment physician or center for examination. The law enforcement officer shall turn the respondent over to the custody of the physician or center who shall conduct the examination and then release the respondent. The law enforcement officer may wait during the examination and return the respondent to his home after the examination. An examination conducted under this subsection in which a physician determines that the respondent meets the criteria for inpatient commitment may be substituted for the first examination required by G.S. 122C-263 if the clerk or magistrate issues a custody order within six hours after the examination was performed.

(3) In no case may the respondent be physically forced to take medication or forceably detained for treatment unless he poses an immediate danger to himself or others. In such cases inpatient commitment proceedings shall be initiated.

(4) At any time that the outpatient treatment physician or center finds that the respondent no longer meets the criteria set out in G.S. 122C-263(d)(1), the physician or center shall so notify the court and the case shall be terminated; provided, however, if the respondent was initially committed as a result of conduct resulting in his being charged with a violent crime, including a crime involving an assault with a deadly weapon, and the respondent was found not guilty by reason of insanity or incapable of proceeding, the designated outpatient treatment physician or center shall notify the clerk that discharge is recommended. The clerk shall calendar a supplemental hearing as provided in G.S. 122C-274 to determine whether the respondent meets the criteria for outpatient commitment.

(5) Any individual who has knowledge that a respondent on outpatient commitment has become dangerous to himself or others as defined by G.S. 122C-3(11) may initiate a new petition for inpatient commitment as provided in this Part. If the respondent is committed as an inpatient, the outpatient commitment shall be terminated and notice sent by the clerk of court in the county where the respondent is committed as an inpatient to the clerk of court of the county where the outpatient commitment is being supervised.

(b) If the respondent on outpatient commitment intends to move or moves to another county within the State, the designated outpatient treatment physician or center shall request that the clerk of court in the county where the outpatient commitment is being supervised calendar a supplemental hearing.

(c) If the respondent moves to another state or to an unknown location, the designated outpatient treatment physician or center shall notify the clerk of superior court of the county where the outpatient commitment is supervised and the outpatient commitment shall be terminated.

(d) If the commitment order directs inpatient treatment, the physician attending the respondent may administer to the respondent reasonable and appropriate medication and treatment that are consistent with accepted medical standards. The attending physician shall release or discharge the respondent in accordance with G.S. 122C-277.

"§ 122C-274. *Supplemental hearings.*—(a) Upon receipt of a request for a supplemental hearing, the clerk shall calendar a hearing to be held within 14 days and notify, at least 72 hours before the hearing, the petitioner, the respondent, his attorney, if any, and the designated outpatient treatment physician or center. The respondent shall be notified at least 72 hours before the hearing by personally serving on him an order to appear. Other persons shall be notified as provided in G.S. 122C-264(c).

(b) The procedures for the hearing shall follow G.S. 122C-267.

(c) In supplemental hearings for alleged noncompliance, the court shall determine whether the respondent has failed to comply and, if so, the causes for noncompliance. If the court determines that the respondent has failed or refused to comply it may:

(1) Upon finding probable cause to believe that the respondent is mentally ill and dangerous to himself or others, order an examination by the same or different physician as provided in G.S. 122C-263(c) in order to determine the necessity for continued outpatient or inpatient commitment;

(2) Reissue or change the outpatient commitment order in accordance with G.S. 122C-271; or

(3) Discharge the respondent from the order and dismiss the case.

(d) At the supplemental hearing for a respondent who has moved or intends to move to another county, the court shall determine if the respondent meets the criteria for outpatient commitment set out in G.S. 122C-263(d)(1). If the court determines that the respondent no longer meets the criteria for outpatient commitment, it shall discharge the respondent from the order and dismiss the case. If the court determines that the respondent continues to meet the criteria for outpatient commitment, it shall continue the outpatient commitment but shall designate a physician or center at the respondent's new residence to be responsible for the management or supervision of the respondent's outpatient commitment. The court shall order the respondent to appear for treatment at the address of the newly designated outpatient treatment physician or center and shall order venue for further court proceedings under the outpatient commitment to be transferred to the new county of supervision. Upon an order changing venue, the clerk of court in the county where the outpatient commitment has been supervised shall transfer the records regarding the outpatient commitment to the clerk of court in the county where the commitment will be supervised. Also, the clerk of court in the county where the outpatient commitment has been supervised shall send a copy of the court's order directing the continuation of outpatient

treatment under new supervision to the newly designated outpatient treatment physician or center.

(e) At any time during the term of an outpatient commitment order, a respondent may apply to the court for a supplemental hearing for the purpose of discharge from the order. The application shall be made in writing by the respondent to the clerk of superior court of the county where the outpatient commitment is being supervised. At the supplemental hearing the court shall determine whether the respondent continues to meet the criteria specified in G.S. 122C-263(d)(1). The court may either reissue or change the commitment order or discharge the respondent and dismiss the case.

(f) At supplemental hearings requested pursuant to G.S. 122C-277(a) for transfer from inpatient to outpatient commitment, the court shall determine whether the respondent meets the criteria for either inpatient or outpatient commitment. If the court determines that the respondent continues to meet the criteria for inpatient commitment, it shall order the continuation of the original commitment order. If the court determines that the respondent meets the criteria for outpatient commitment, it shall order outpatient commitment for a period of time not in excess of 90 days. If the court finds that the respondent does not meet either criteria, the respondent shall be discharged and the case dismissed.

"§ 122C-275. *Outpatient commitment; rehearings.*—(a) Fifteen days before the end of the initial or subsequent periods of outpatient commitment if the outpatient treatment physician or center determines that the respondent continues to meet the criteria specified in G.S. 122C-263(d)(1), he shall so notify the clerk of superior court of the county where the outpatient commitment is supervised. If the respondent no longer meets the criteria, the physician shall so notify the clerk who shall dismiss the case; provided, however, if the respondent was initially committed as a result of conduct resulting in his being charged with a violent crime, including a crime involving an assault with a deadly weapon, and the respondent was found not guilty by reason of insanity or incapable of proceeding, the physician or center shall notify the clerk that discharge is recommended. The clerk, at least 10 days before the end of the commitment period, on order of the district court, shall calendar the rehearing.

(b) Notice and procedures of rehearings are governed by the same procedures as initial hearings, and the respondent has the same rights he had at the initial hearing including the right to appeal.

(c) If the court finds that the respondent no longer meets the criteria of G.S. 122C-263(d)(1), it shall unconditionally discharge him. A copy of the discharge order shall be furnished by the clerk to the designated outpatient treatment physician or center. If the respondent continues to meet the criteria of G.S. 122C-263(d)(1), the court may order outpatient commitment for an additional period not in excess of 180 days.

"§ 122C-276. *Inpatient commitment; rehearings.*—(a) Fifteen days before the end of the initial inpatient commitment period if the attending physician determines that commitment of a respondent beyond the initial period will be necessary, he shall so notify the clerk of superior court of the county in which the facility is located. The clerk, at least 10 days

before the end of the initial period, on order of a district court judge of the judicial district in which the facility is located, shall calendar the rehearing. If the respondent was initially committed as the result of conduct resulting in his being charged with a violent crime, including a crime involving an assault with a deadly weapon, and respondent was found not guilty by reason of insanity or incapable of proceeding, the clerk shall also notify the chief district court judge, the clerk of superior court, and the district attorney in the county in which the respondent was found not guilty by reason of insanity or incapable of proceeding of the time and place of the hearing.

(b) Fifteen days before the end of the initial treatment period of a respondent who was initially committed as a result of conduct resulting in his being charged with a violent crime, including a crime involving an assault with a deadly weapon, having been found not guilty by reason of insanity or incapable of proceeding, if the attending physician determines that commitment of the respondent beyond the initial period will not be necessary, he shall so notify the clerk of superior court who shall schedule a rehearing as provided in subsection (a) of this section.

(c) Subject to the provisions of G.S. 122C-269(c), rehearings shall be held at the facility in which the respondent is receiving treatment. The judge is a judge of the district court of the judicial district in which the facility is located or a district court judge temporarily assigned to that district.

(d) Notice and proceedings of rehearings are governed by the same procedures as initial hearings and the respondent has the same rights he had at the initial hearing including the right to appeal.

(e) At rehearings the court may make the same dispositions authorized in G.S. 122C-271(b) except a second commitment order may be for an additional period not in excess of 180 days.

(f) Fifteen days before the end of the second commitment period and annually thereafter, the attending physician shall review and evaluate the condition of each respondent; and if he determines that a respondent is in continued need of inpatient commitment or, in the alternative, in need of outpatient commitment, or a combination of both, he shall so notify the respondent, his counsel, and the clerk of superior court of the county in which the facility is located. Unless the respondent through his counsel files with the clerk a written waiver of his right to a rehearing, the clerk, on order of a district court judge of the district in which the facility is located, shall calendar a rehearing for not later than the end of the current commitment period. The procedures and standards for the rehearing are the same as for the first rehearing. No third or subsequent inpatient recommitment order shall be for a period longer than one year.

(g) At any rehearings the court has the option to order outpatient commitment for a period not in excess of 180 days in accordance with the criteria specified in G.S. 122C-263(d)(1) and following the procedures as specified in this Article.

"§ 122C-277. *Release and conditional release; judicial review.*—(a) Except as provided in subsection (b) of this section, the attending physician shall discharge a committed respondent unconditionally at any time he determines that the respondent is no longer in need of inpatient

commitment. However, if the attending physician determines that the respondent meets the criteria for outpatient commitment as defined in G.S. 122C-263(d)(1), he may request the clerk to calendar a supplemental hearing to determine whether an outpatient commitment order shall be issued. Except as provided in subsection (b) of this section, the attending physician may also release a respondent conditionally for periods not in excess of 30 days on specified medically appropriate conditions. Violation of the conditions is grounds for return of the respondent to the releasing facility. A law enforcement officer, on request of the attending physician, shall take a conditional releasee into custody and return him to the facility in accordance with G.S. 122C-205. Notice of discharge and of conditional release shall be furnished to the clerk of superior court of the county of commitment and of the county in which the facility is located.

(b) If the respondent was initially committed as the result of conduct resulting in his being charged with a violent crime, including a crime involving an assault with a deadly weapon, and respondent was found not guilty by reason of insanity or incapable of proceeding, 15 days before the respondent's discharge or conditional release the attending physician shall notify the clerk of superior court of the county in which the facility is located of his determination regarding the proposed discharge or conditional release. The clerk shall then schedule a rehearing to determine the appropriateness of respondent's release under the standards of commitment set forth in G.S. 122C-271(b). The clerk shall give notice as provided in G.S. 122C-264(d). The district attorney of the district where respondent was found not guilty by reason of insanity or incapable of proceeding may represent the State's interest at the hearing.

(c) If a committed respondent under either subsection (a) or (b) of this section is from a single portal area, the attending physician shall plan jointly with the area authority as prescribed in the area plan before discharging or releasing the respondent.

"Part 8. Involuntary Commitment of Substance Abusers, Facilities for Substance Abusers.

"§ 122C-281. *Affidavit and petition before clerk or magistrate; custody order.*—(a) Any individual who has knowledge of a substance abuser who is dangerous to himself or others may appear before a clerk or assistant or deputy clerk of superior court or a magistrate, execute an affidavit to this effect, and petition the clerk or magistrate for issuance of an order to take the respondent into custody for examination by a physician. The affidavit shall include the facts on which the affiant's opinion is based. Jurisdiction under this subsection is in the clerk or magistrate in the county where the respondent resides or is found.

(b) If the clerk or magistrate finds reasonable grounds to believe that the facts alleged in the affidavit are true and that the respondent is probably a substance abuser and dangerous to himself or others, he shall issue an order to a law enforcement officer or any other person authorized by G.S. 122C-251 to take the respondent into custody for examination by a physician.

(c) If the clerk or magistrate issues a custody order, he shall also make inquiry in any reliable way as to whether the respondent is indigent within

the meaning of G.S. 7A-450. A magistrate shall report the result of this inquiry to the clerk.

(d) If the affiant is a physician, he may execute the affidavit before any official authorized to administer oaths. He is not required to appear before the clerk or magistrate for this purpose. His examination shall comply with the requirements of the initial examination as provided in G.S. 122C-283(c). If the physician petitioner's recommendation is for commitment and the clerk or magistrate finds probable cause to believe that the respondent meets the criteria for commitment, he shall issue an order for transportation to or custody at a 24-hour facility or release the respondent, pending hearing, as described in G.S. 122C-283(d)(1). If a physician executes an affidavit for commitment of a respondent, a second qualified professional shall perform the examination required by G.S. 122C-285.

(e) Upon receipt of the custody order of the clerk or magistrate, a law enforcement officer or other person designated in the order shall take the respondent into custody within 24 hours after the order is signed.

(f) When a petition is filed for an individual who is a resident of a single portal area, the procedures for examination by a physician as set forth in G.S. 122C-283(c) shall be carried out in accordance with the area plan. When an individual from a single portal area is presented for commitment at a facility directly, he may be accepted for admission in accordance with G.S. 122C-285. The facility shall notify the area authority within 24 hours of admission and further planning of treatment for the individual is the joint responsibility of the area authority and the facility as prescribed in the area plan.

"§ 122C-282. *Special emergency procedure for violent individuals.*—When an individual subject to commitment under the provisions of this Part is also violent and requires restraint and when delay in taking him to a physician for examination would likely endanger life or property, a law enforcement officer may take the person into custody and take him immediately before a magistrate or clerk. The law enforcement officer shall execute the affidavit required by G.S. 122C-281 and in addition shall swear that the respondent is violent and requires restraint and that delay in taking the respondent to a physician for an examination would endanger life or property.

If the clerk or magistrate finds by clear, cogent, and convincing evidence that the facts stated in the affidavit are true, that the respondent is in fact violent and requires restraint, and that delay in taking the respondent to a physician for an examination would endanger life or property, he shall order the law enforcement officer to take the respondent directly to a 24-hour facility described in G.S. 122C-252.

Respondents received at a 24-hour facility under the provisions of this section shall be examined and processed thereafter in the same way as all other respondents under this Part.

"§ 122C-283. *Duties of law enforcement officer; first examination by physician.*—(a) Without unnecessary delay after assuming custody, the law enforcement officer or the individual designated by the clerk or magistrate under G.S. 122C-251(g) to provide transportation shall take the respondent to an area facility for examination by a physician; if a physician is not

available in the area facility, he shall take the respondent to any physician locally available. If a physician is not immediately available, the respondent may be temporarily detained in an area facility if one is available; if an area facility is not available, he may be detained under appropriate supervision, in his home, in a private hospital or a clinic, or in a general hospital, but not in a jail or other penal facility.

(b) The examination set forth in subsection (a) of this section is not required if:

(1) The affiant who obtained the custody order is a physician; or

(2) The respondent is in custody under the special emergency procedure described in G.S. 122C-282.

In these cases when it is recommended that the respondent be detained in a 24-hour facility, the law enforcement officer shall take the respondent directly to a 24-hour facility described in G.S. 122C-252.

(c) The physician described in subsection (a) of this section shall examine the respondent as soon as possible, and in any event within 24 hours, after the respondent is presented for examination. The examination shall include but is not limited to an assessment of the respondent's:

(1) Current and previous substance abuse including, if available, previous treatment history; and

(2) Dangerousness to himself or others as defined in G.S. 122C-3(11).

(d) After the conclusion of the examination the physician shall make the following determinations:

(1) If the physician finds that the respondent is a substance abuser and is dangerous to himself or others, he shall recommend commitment and whether the respondent should be released or be held at a 24-hour facility pending hearing and shall so show on the physician's examination report. Based on the physician's recommendation the law enforcement officer or other designated individual shall take the respondent to a 24-hour facility described in G.S. 122C-252 or release the respondent.

(2) If the physician finds that the condition described in subdivision (1) of this subsection does not exist, the respondent shall be released and the proceedings terminated.

(e) The findings of the physician and the facts on which they are based shall be in writing in all cases. A copy of the findings shall be sent to the clerk of superior court by the most reliable and expeditious means. If it cannot be reasonably anticipated that the clerk will receive the copy within 48 hours of the time that it was signed, the physician shall also communicate his findings to the clerk by telephone.

"§ 122C-284. *Duties of clerk of superior court.*—(a) Upon receipt of a physician's finding that a respondent is a substance abuser and dangerous to himself or others and that commitment is recommended, the clerk of superior court of the county where the facility is located, if the respondent is held in a 24-hour facility, or the clerk of superior court where the petition was initiated shall upon direction of a district court judge assign counsel, calendar the matter for hearing, and notify the respondent, his counsel, and the petitioner of the time and place of the hearing. The petitioner may file a written waiver of his right to notice under this subsection with the clerk of court.

(b) Notice to the respondent required by subsection (a) of this section shall be given as provided in G.S. 1A-1, Rule 4(j) at least 72 hours before the hearing. Notice to other individuals shall be given by mailing at least 72 hours before the hearing a copy by first-class mail postage prepaid to the individual at his last known address.

(c) Upon receipt of notice that transportation is necessary to take a committed respondent to a 24-hour facility pursuant to G.S. 122C-290(b), the clerk shall issue a custody order for the respondent.

(d) The clerk of superior court shall upon the direction of a district court judge calendar all hearings, supplemental hearings, and rehearings and provide all notices required by this Part.

"§ 122C-285. *Commitment; second examination and treatment pending hearing.*—(a) Within 24 hours of arrival at a 24-hour facility described in G.S. 122C-252, the respondent shall be examined by a qualified professional. The examination shall include the assessment specified in G.S. 122C-283(c). If the qualified professional finds that the respondent is a substance abuser and is dangerous to himself or others, he shall hold and treat the respondent at the facility or designate other treatment pending the district court hearing. If the qualified professional finds that the respondent does not meet the criteria for commitment under G.S. 122C-283(d)(1), he shall release the respondent and the proceeding shall be terminated. In this case the reasons for the release shall be reported in writing to the clerk of superior court of the county in which the custody order originated. If the respondent is released, the law enforcement officer or other person designated to provide transportation shall return the respondent to the originating county.

"§ 122C-286. *Commitment; district court hearing.*—(a) A hearing shall be held in district court within 10 days of the day the respondent is taken into custody. Upon its own motion or upon motion of the responsible professional, the respondent, or the State, the court may grant a continuance of not more than five days.

(b) The respondent shall be present at the hearing. A subpoena may be issued to compel the respondent's presence at a hearing. The petitioner and the responsible professional of the area authority or the proposed treating physician or his designee may be present and may provide testimony.

(c) Certified copies of reports and findings of physicians and medical records of previous and current treatment are admissible in evidence, but the respondent's right to confront and cross-examine witnesses shall not be denied.

(d) The respondent may be represented by counsel of his choice. If the respondent is indigent within the meaning of G.S. 7A-450, the court shall appoint counsel to represent him.

(e) Hearings may be held at an area facility or a private facility if it is located within the judge's judicial district or in the judge's chambers. A hearing may not be held in a regular courtroom, over objection of the respondent, if in the discretion of a judge a more suitable place is available.

(f) The hearing shall be closed to the public unless the respondent requests otherwise.

(g) A copy of all documents admitted shall be furnished by the clerk to the respondent on request. If the respondent is indigent, the copies shall be provided at State expense.

(h) To support a commitment order, the court shall find by clear, cogent, and convincing evidence that the respondent meets the criteria specified in G.S. 122C-283(d)(1). The court shall record the facts that support its findings and shall show on the order the area authority or physician who is responsible for the management and supervision of the respondent's treatment.

"§ 122C-287. *Disposition.*—The court may make one of the following dispositions:

(1) If the court finds by clear, cogent, and convincing evidence that the respondent is a substance abuser and is dangerous to himself or others, it shall order for a period not in excess of 180 days commitment to and treatment by an area authority or physician who is responsible for the management and supervision of the respondent's commitment and treatment.

(2) If the court finds that the respondent does not meet the commitment criteria set out in subdivision (1) of this subsection, the respondent shall be discharged and the facility in which he was last treated so notified.

"§ 122C-288. *Appeal.*—Judgment of the district court is final. Appeal may be had to the Court of Appeals by the State or by any party on the record as in civil cases. Appeal does not stay the commitment unless so ordered by the Court of Appeals. The Attorney General shall represent the State's interest on appeal. The district court retains limited jurisdiction for the purpose of hearing all reviews, rehearings, or supplemental hearings allowed or required under this Part.

"§ 122C-289. *Duty of assigned counsel; discharge.*—Counsel assigned to represent an indigent respondent at the initial district court hearing is also responsible for perfecting and concluding an appeal. Upon completion of an appeal, assigned counsel is discharged. If the respondent is committed, assigned counsel remains responsible for his representation until discharged by order of district court or until the respondent is otherwise unconditionally discharged.

"§ 122C-290. *Duties for follow-up on commitment order.*—(a) The area authority or physician responsible for management and supervision of the respondent's commitment and treatment may prescribe or administer to the respondent reasonable and appropriate treatment either on an outpatient basis or in a 24-hour facility.

(b) If the respondent whose treatment is provided on an outpatient basis fails to comply with all or part of the prescribed treatment after reasonable effort to solicit the respondent's compliance, the area authority or physician may have the respondent taken to a 24-hour facility described in G.S. 122C-252. Transportation shall be provided as specified in G.S. 122C-251 upon notice by the area authority or physician that transportation is necessary. Prior to the placement in the 24-hour facility, a physician shall determine that treatment in the facility will benefit the respondent. If placement in a 24-hour facility is to exceed 45 consecutive

days, the area authority or physician shall notify the clerk of court by the 30th day and request a supplemental hearing as specified in G.S. 122C-291.

(c) If the respondent intends to move or moves to another county within the State, the area authority or physician shall notify the clerk of court in the county where the commitment is being supervised and request that a supplemental hearing be calendared.

(d) If the respondent moves to another state or to an unknown location, the designated area authority or physician shall notify the clerk of superior court of the county where the commitment is supervised and the commitment shall be terminated.

"§ 122C-291. *Supplemental hearings.*—(a) Upon receipt of a request for a supplemental hearing, the clerk shall calendar a hearing to be held within 14 days and notify, at least 72 hours before the hearing, the petitioner, the respondent, his attorney, if any, and the designated area authority or physician. Notice shall be provided in accordance with G.S. 122C-284(b). The procedures for the hearing shall follow G.S. 122C-286.

(b) At the supplemental hearing for a respondent who has moved or may move to another county, the court shall determine if the respondent meets the criteria for commitment set out in G.S. 122C-283(d)(1). If the court determines that the respondent no longer meets the criteria for commitment, it shall discharge the respondent from the order and dismiss the case. If the court determines that the respondent continues to meet the criteria for commitment, it shall continue the commitment but shall designate an area authority or physician at the respondent's new residence to be responsible for the management or supervision of the respondent's commitment. The court shall order the respondent to appear for treatment at the address of the newly designated area authority or physician and shall order venue for further court proceedings under the commitment to be transferred to the new county of supervision. Upon an order changing venue, the clerk of court in the county where the commitment has been supervised shall transfer the records regarding the commitment to the clerk of court in the county where the commitment will be supervised. Also, the clerk of court in the county where the commitment has been supervised shall send a copy of the court's order directing the continuation of treatment under new supervision to the newly designated area authority or physician.

(c) At a supplemental hearing for a respondent to be held longer than 45 consecutive days in a 24-hour facility, the court shall determine if the respondent meets the criteria for commitment set out in G.S. 122C-283(d)(1). If the court determines that the respondent continues to meet the criteria and that further treatment in the 24-hour facility is necessary, the court may authorize continued care in the facility for not more than 90 days, after which a rehearing for the purpose of determining the need for continued care in the 24-hour facility shall be held, or the court may order the respondent released from the 24-hour facility and continued on the commitment on an outpatient basis. If the court determines that the respondent no longer meets the criteria for commitment, the respondent shall be released and his case dismissed.

(d) At any time during the term of commitment order, a respondent may apply to the court for a supplemental hearing for the purpose of

discharge from the order. The application shall be made in writing to the clerk of superior court. At the supplemental hearing the court shall determine whether the respondent continues to meet the criteria for commitment. The court may reissue or change the commitment order or discharge the respondent and dismiss the case.

"§ 122C-292. *Rehearings.*—(a) Fifteen days before the end of the initial or subsequent periods of commitment if the area authority or physician determines that the respondent continues to meet the criteria specified in G.S. 122C-283(d)(1), the clerk of superior court of the county where commitment is supervised shall be notified. The clerk, at least 10 days before the end of the commitment period, on order of the district court, shall calendar the rehearing. If the respondent no longer meets the criteria, the area authority or physician shall so notify the clerk who shall dismiss the case.

(b) Rehearings are governed by the same notice and procedures as initial hearings, and the respondent has the same rights he had at the initial hearing including the right to appeal.

(c) If the court finds that the respondent no longer meets the criteria of G.S. 122C-283(d)(1), it shall unconditionally discharge him. A copy of the discharge order shall be furnished by the clerk to the designated area authority or physician. If the respondent continues to meet the criteria of G.S. 122C-283(d)(1), the court may order commitment for additional periods not in excess of 365 days each.

"§ 122C-293. *Release by area authority or physician.*—The area authority or physician as designated in the order shall discharge a committed respondent unconditionally at any time he determines that the respondent no longer meets the criteria of G.S. 122C-283(d)(1). Notice of discharge and the reasons for the release shall be reported in writing to the clerk of superior court of the county in which the commitment was ordered.

"§ 122C-294. *Local plan.*—Each area authority shall develop a local plan with local law enforcement agencies, local courts, local hospitals, and local medical societies necessary to facilitate implementation of this Part.

"Part 9. Public Intoxication.

"§ 122C-301. *Assistance to an individual who is intoxicated in public; procedure for commitment to shelter or facility.*—(a) An officer may assist an individual found intoxicated in a public place by taking any of the following actions:

(1) The officer may direct or transport the intoxicated individual home;

(2) The officer may direct or transport the intoxicated individual to the residence of another individual willing to accept him;

(3) If the intoxicated individual is apparently in need of and apparently unable to provide for himself food, clothing, or shelter but is not apparently in need of immediate medical care, the officer may direct or transport him to an appropriate public or private shelter facility;

(4) If the intoxicated individual is apparently in need of but apparently unable to provide for himself immediate medical care,

the officer may direct or transport him to an area facility, hospital, or physician's office; or the officer may direct or transport the individual to any other appropriate health care facility; or

(5) If the intoxicated individual is apparently a substance abuser and is apparently dangerous to himself or others, the officer may proceed as provided in Part 8 of this Article.

(b) In providing the assistance authorized by subsection (a) of this section, the officer may use reasonable force to restrain the intoxicated individual if it appears necessary to protect himself, the intoxicated individual, or others. No officer may be held criminally or civilly liable for assault, false imprisonment, or other torts or crimes on account of reasonable measures taken under authority of this Part.

(c) If the officer takes the action described in either subdivision (a)(3) or (a)(4) of this section, the facility to which the intoxicated individual is taken may detain him only until he becomes sober or a maximum of 24 hours. The individual may stay a longer period if he wishes to do so and the facility is able to accommodate him.

(d) Any individual who has knowledge that a person assisted to a shelter or other facility under subdivisions (a)(3) or (a)(4) of this section is a substance abuser and is dangerous to himself or others may proceed as provided in Part 8 of this Article.

"§ 122C-302. *Cities and counties may employ officers to assist intoxicated individuals.*—A city or county may employ officers to assist individuals who are intoxicated in public. Officers employed for this purpose shall be trained to give assistance to those who are intoxicated in public including the administration of first aid. An officer employed by a city or county to assist intoxicated individuals has the powers and duties set out in G.S. 122C-301 within the same territory in which criminal laws are enforced by law enforcement officers of that city or county.

"§ 122C-303. *Use of jail for care for intoxicated individual.*—In addition to the actions authorized by G.S. 122C-301(a), an officer may assist an individual found intoxicated in a public place by directing or transporting that individual to a city or county jail. That action may be taken only if the intoxicated individual is apparently in need of and apparently unable to provide for himself food, clothing, or shelter but is not apparently in need of immediate medical care and if no other facility is readily available to receive him. The officer and employees of the jail are exempt from liability as provided in G.S. 122C-301(b). The intoxicated individual may be detained at the jail only until he becomes sober or a maximum of 24 hours and may be released at any time to a relative or other individual willing to be responsible for his care.

"Part 10. Voluntary Admissions,
Involuntary Commitments and Discharges,
Inmates and Parolees, Department of Correction.

"§ 122C-311. *Individuals on parole.*—Any individual who has been released from any correctional facility on parole is admitted, committed and discharged from facilities in accordance with the procedures specified in this Article for other individuals.

"§ 122C-312. *Voluntary admissions and discharges of inmates of the Department of Correction.*—Inmates in the custody of the Department of Correction may seek voluntary admission to State facilities for the mentally ill or substance abusers. The provisions of Part 2 of this Article shall apply except that an admission may be accomplished only when the Secretary and the Secretary of the Department of Correction jointly agree to the inmate's request. When an inmate is admitted he shall be discharged in accordance with the provisions of Part 2 of this Article except that an inmate who is ready for discharge, but still under a term of incarceration, shall be discharged only to an official of the Department of Correction. The Department of Correction is responsible for the security and cost of transporting inmates to and from facilities under the provisions of this section.

"§ 122C-313. *Inmate becoming mentally ill and dangerous to himself or others.*—(a) An inmate who becomes mentally ill and dangerous to himself or others after incarceration in any facility operated by the Department of Correction in the State is processed in accordance with Part 7 of this Article, as modified by this section, except when the provisions of Part 7 are manifestly inappropriate. A staff psychiatrist of the correctional facility shall execute the affidavit required by G.S. 122C-261 and send it to the clerk of superior court of the county in which the correctional facility is located. Upon receipt of the affidavit, the clerk shall calendar a district court hearing and notify the respondent and his counsel as required by G.S. 122C-284(a). The hearing is conducted in a district courtroom. If the judge finds by clear, cogent, and convincing evidence that the respondent is mentally ill and dangerous to himself or others, he shall order him transferred for treatment to a State facility designated by the Secretary. The judge shall not order outpatient commitment for an inmate-respondent.

(b) If the sentence of an inmate-respondent expires while he is committed to a State facility, he is considered in all respects as if he had been initially committed under Part 7 of this Article.

(c) If the sentence of an inmate-respondent has not expired, and if in the opinion of the attending physician of the State facility an inmate-respondent ceases to be mentally ill and dangerous to himself or others, he shall notify the Department of Correction which shall arrange for the inmate-respondent's return to a correctional facility.

(d) Special counsel at a State facility shall represent any inmate who becomes mentally ill and dangerous to himself or others while confined in a correctional facility in the same county, otherwise counsel is assigned in accordance with G.S. 122C-270(d).

(e) The Department of Correction is responsible for the security and cost of transporting inmates to and from State facilities under the provisions of this section.

"Part 11. Voluntary Admissions, Involuntary Commitments and Discharges, the Psychiatric Service of North Carolina Memorial Hospital.

"§ 122C-321. *Voluntary admissions and discharges.*—Any individual in need of treatment for mental illness or substance abuse may seek

voluntary admission to the psychiatric service of North Carolina Memorial Hospital. Procedures for admission and discharge shall be made in accordance with Parts 2 through 4 of this Article. The applicant may be admitted only upon the approval of the director of the psychiatric service or his designee.

"§ 122C-322. *Involuntary commitments.*—(a) Except as otherwise specifically provided in this section references in Parts 6 through 8 of this Article to 24-hour facilities, outpatient treatment centers, or area authorities, or private facilities shall include the psychiatric service of North Carolina Memorial Hospital. The psychiatric service may be used for temporary detention pending a district court hearing, for commitment of the respondent after the hearing, or as the manager and supervisor of outpatient commitment. However, no individual may be held at or committed to the psychiatric service without the prior approval of the director of the psychiatric service or his designee.

(b) Initial hearings, supplemental hearings, and rehearings may be held at the psychiatric service facility or at any place in Orange County where district court can be held under G.S. 7A-133. Legal counsel for the respondent at all hearings and rehearings shall be assigned from among the members of the bar of the same county in accordance with G.S. 122C-270(d).

"Part 12. Voluntary Admissions, Involuntary Commitments and Discharges, Veterans Administration Facilities.

"§ 122C-331. *Voluntary admissions and discharges.*—Veterans in need of treatment for mental illness or substance abuse may seek voluntary admission to a facility operated by the Veterans Administration. Procedures for admission and discharge shall be made in accordance with Parts 2 and 4 of this Article. The Veterans Administration may require additional procedures not inconsistent with these Parts.

"§ 122C-332. *Involuntary commitments.*—(a) Except as otherwise specifically provided in this section, references in Parts 6 through 8 of this Article to 24-hour facilities, outpatient treatment centers, or area authorities, or private facilities shall include the facilities operated by the Veterans Administration. Veterans Administration facilities may be used for temporary detention pending a district court hearing, for commitment of the respondent after the hearing, or as the manager and supervisor of outpatient commitment. Eligibility of the veteran-respondent for treatment at a Veterans Administration facility and the availability of space shall be determined by the Veterans Administration in all cases before sending or committing a veteran-respondent.

(b) Initial hearings, supplemental hearings, and rehearings for veteran-respondents may be held at the facility or at the county courthouse in the county in which the facility is located, and counsel shall be assigned from among the members of the bar of the same county in accordance with G.S. 122C-270(d).

"§ 122C-333. *Order of another state.*—The judgment or order of commitment by a court of competent jurisdiction of another state, committing a person to the Veterans Administration or another federal agency that is located in this State shall have the same force and effect

on the committed person while in this State as in the jurisdiction of the court entering the judgment or making the order. The courts of the committing state shall retain jurisdiction of the person so committed for the purpose of inquiring into the mental condition of the person, and for determining the necessity for continuance of his restraint. Consent is given to the application of the law of the committing state on the authority of the chief officer of any facility of the Veterans Administration or of any institution operated in this State by any other federal agency to retain custody, transfer, parole, or discharge the committed person.

"Part 13. Voluntary Admissions, Involuntary Commitment and Discharge of Non-State Residents and the Return of North Carolina Resident Clients.

"§ 122C-341. *Determination of residence.*—It is the responsibility of the facility to determine if a client is not a resident of the State.

"§ 122C-342. *Voluntary admissions and discharges.*—A non-State resident may be admitted to and discharged from a facility on a voluntary basis in accordance with Parts 2 through 5 of this Article at his own expense. If the facility determines that the client should be returned to his own state the provisions of G.S. 122C-345 or G.S. 122C-361, as appropriate, shall apply.

"§ 122C-343. *Involuntary commitments.*—Involuntary commitments of non-State residents are made under the provisions of Parts 6 through 8 of this Article. If after commitment to a 24-hour facility the facility determines that the respondent needs long-term care and should be returned to his state of residence, the provisions of G.S. 122C-345 or G.S. 122C-361, as appropriate, shall apply.

"§ 122C-344. *Citizens of other countries.*—In addition to the provisions of G.S. 122C-341 through G.S. 122C-343, if a 24-hour facility determines that a client is not a citizen of the United States, the facility shall notify the Governor of this State of the name of the client, the country and place of his residence in the country and other facts in the case as can be obtained, together with a copy of pertinent medical records. The Governor shall send the information to the Secretary of State at Washington, D.C., with the request that he tell the minister resident or plenipotentiary of the country of which the client is alleged to be a citizen.

"§ 122C-345. *Return of a non-State resident client to his resident state.*—(a) Except as provided in subsection (c) of this section, it is the responsibility of the director of a facility to arrange for the transfer of a client to his resident state. The cost of returning the client to his resident state is the responsibility of the client or his family.

(b) A non-State resident client of an area 24-hour facility may be transferred to a State facility in accordance with G.S. 122C-206 in order for the client to be returned to his resident state.

(c) A non-State resident client of a State facility may be returned to his resident state under procedures established under G.S. 122C-346 or G.S. 122C-361. The cost of returning a client to his resident state under this subsection shall be the responsibility of the State.

"§ 122C-346. *Authority of the Secretary to enter reciprocal agreements.*—The Secretary may enter agreements with other states for

the return of non-State resident clients to their resident state and for the return of North Carolina residents to North Carolina when under treatment in another state.

"§ 122C-347. *Return of North Carolina resident clients from other states.*—North Carolina residents who are in treatment in another state may be returned to North Carolina either under an agreement authorized in G.S. 122C-346 or under the provisions of G.S. 122C-361. The cost of returning a North Carolina resident to this State is the responsibility of the sending state. Within 72 hours after admission in a State facility, a returned resident shall be evaluated. The returned resident may agree to a voluntary admission or may be released, or proceedings for an involuntary commitment under this Article may be initiated as necessary by the responsible professional in the facility.

"§ 122C-348. *Residency not affected.*—(a) A nonresident of this State who is under care in a 24-hour facility in this State is not considered a resident. No length of time spent in this State while a client in a 24-hour facility is sufficient to make a nonresident a resident or entitled to care or treatment.

(b) A North Carolina resident who is under care and treatment in a 24-hour facility in another state shall retain his residency in North Carolina.

"Part 14. Interstate Compact on Mental Health.

"§ 122C-361. *Compact entered into; form of Compact.*—The Interstate Compact on Mental Health is hereby enacted into law and entered into by this State with all other states legally joining therein in the form substantially as follows: The contracting states solemnly agree that:

ARTICLE I.

The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action, to the benefit of the patients, their families, and society as a whole. Further, the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but, that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this Compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

ARTICLE II.

As used in this Compact:

(a) 'Sending state' shall mean a party state from which a patient is transported pursuant to the provisions of the Compact or from which it is contemplated that a patient may be so sent.

(b) 'Receiving state' shall mean a party state to which a patient is transported pursuant to the provisions of the Compact or to which it is contemplated that a patient may be so sent.

(c) 'Institution' shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency.

(d) 'Patient' shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this Compact.

(e) 'Aftercare' shall mean care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

(f) 'Mental illness' shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

(g) 'Mental deficiency' shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) 'State' shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

ARTICLE III.

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this Article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this Article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this Compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that it would be taken if he were a local patient.

(e) Pursuant to this Compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

ARTICLE IV.

(a) Whenever, pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive aftercare or supervision, such care or supervision may be provided in a receiving state. If the medical or other appropriate clinical authorities have responsibility for the care and treatment of the patient in the sending state shall have reason to believe that aftercare in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such aftercare in said receiving state, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient, and such other documents as may be pertinent.

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive aftercare or supervision in the receiving state.

(c) In supervising, treating, or caring for a patient on aftercare pursuant to the terms of this Article, a receiving state shall employ the same standards of visitation, examination, care, and treatment that it employs for similar local patients.

ARTICLE V.

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a way reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found pending disposition in accordance with law.

ARTICLE VI.

The duly accredited officers of any state party to this Compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this Compact through any and all states party to this Compact, without interference.

ARTICLE VII.

(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this Compact, but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

(c) No provision of this Compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(d) Nothing in this Compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this Compact.

(e) Nothing in this Compact shall be construed to invalidate any reciprocal agreement between a party state and a nonparty state relating to institutionalization, care or treatment of the mentally ill or mentally deficient, or any statutory authority pursuant to which such agreements may be made.

ARTICLE VIII.

(a) Nothing in this Compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances; provided, however, that in the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment.

(b) The term 'guardian' as used in paragraph (a) of this Article shall include any guardian, trustee, legal committee, conservator, or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or propery of a patient.

ARTICLE IX.

(a) No provision of this Compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

(b) To every extent possible, it shall be the policy of states party to this Compact that no patient shall be placed or detained in any prison, jail or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

ARTICLE X.

(a) Each party state shall appoint a 'Compact Administrator' who, on behalf of his state, shall act as general coordinator of activities under the Compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the Compact by his state either in the capacity of sending or receiving state. The Compact Administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the Compact or any patient processed thereunder.

(b) The Compact Administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this Compact.

ARTICLE XI.

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this Compact.

ARTICLE XII.

This Compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

ARTICLE XIII.

(a) A state party to this Compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and Compact administrators of all other party states.

However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the Compact.

(b) Withdrawal from any agreement permitted by Article VII(b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

ARTICLE XIV.

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

"§ 122C-362. *Compact Administrator.*—Pursuant to the Compact, the Secretary is the Compact Administrator and, acting jointly with like officers of other party states, may adopt rules to carry out more effectively the terms of the Compact. The Compact Administrator shall cooperate with all departments, agencies and officers of and in the government of this State and its subdivisions in facilitating the proper administration of the Compact, of any supplementary agreement, or agreements entered into by this State.

"§ 122C-363. *Supplementary agreements.*—The Compact Administrator may enter into supplementary agreements with appropriate officials of other states pursuant to Articles VII and XI of the Compact. In the event that these supplementary agreements shall require or contemplate the use of any institution or facility of this State or require or contemplate the provision of any service by this State, no such agreement shall be effective until approved by the head of the department or agency under whose jurisdiction the institution or facility is operated or whose department or agency will be charged with the rendering of this service.

"§ 122C-364. *Financial arrangements.*—The Compact Administrator, with the approval of the Director of the Budget, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this State by the Compact or by any supplementary agreement entered into under it.

"§ 122C-365. *Transfer of clients.*—The Compact Administrator is directed to consult with the immediate family or legally responsible person of any proposed transferee.

"§ 122C-366. *Transmittal of copies of Part.*—Copies of this Part shall, upon its approval, be transmitted by the Compact Administrator to the governor of each state, the attorney general of each state, the Administrator of General Services of the United States, and the Council of State Governments.

"Article 6.
"Special Provisions.
"Part 1. Camp Butner and Community of Butner.

"§ 122C-401. *Use of Camp Butner Hospital authorized.*—The State may use the Camp Butner Hospital, including buildings, equipment, and land necessary for the operation of modern up-to-date facilities for the care and treatment of citizens of this State.

"§ 122C-402. *Application of State highway and motor vehicle laws at State institutions on Camp Butner reservation.*—The provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles thereon are made applicable to the streets, alleys, and driveways on the Camp Butner reservation that are on the grounds of any State facility or any State institution operated by the Department or by the Department of Correction. Any person violating any of the provisions of Chapter 20 of the General Statutes in or on these streets, alleys, or driveways shall upon conviction be punished as prescribed in that Chapter. This section does not interfere with the ownership and control of the streets, alleys, and driveways on the grounds as is now vested by law in the Department.

"§ 122C-403. *Ordinances and rules for enforcement of Part.*—The Secretary may adopt rules and ordinances necessary to enforce the provisions of this Part and to carry out its purpose and intent for the better administration of State facilities and institutions located on the Camp Butner reservation. Included may be rules:

(1) To regulate the use of streets, alleys, sidewalks, bridges, and driveways and to establish parking areas.

(2) To promote the health, safety, morals, or general welfare of those residing on, occupying, renting, or using any property or facilities within its limits and those visiting and patronizing any State facility or State institution on the Camp Butner reservation by:

a. Regulating and restricting the height, number of stories, and size of buildings and other structures, the percentage of lot to be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, to regulate markets, and prescribe at what place marketable products may be sold, and to condemn and remove all buildings or cause them to be removed at the expense of the owner, when dangerous to life, health, or other property.

b. To regulate places of amusement and entertainment, and to regulate, restrict, or prohibit the operation of pool and billiard halls, dance halls, carnivals, circuses, or any itinerant show or exhibition of any kind. Places of amusement and entertainment include coffee houses, cocktail lounges, night clubs, beer halls, and similar establishments. Any regulations shall be consistent with any permits issued by the North Carolina Alcoholic Beverage Control Commission.

c. To regulate and prohibit the running at large of dogs, horses, mules, cattle, sheep, swine, goats, chickens, and other animals and fowl of every description.

d. To prevent and abate nuisances whether on public or private property.

e. To regulate the subdivision of land. This regulation shall be in accordance with the procedures and subject to the limitations set forth in Part 2 of Article 19 of Chapter 160A of the General Statutes.

Any rules adopted pursuant to this section may apply to part or all of the Camp Butner reservation.

"§ 122C-404. *Community of Butner Planning Commission.*—(a) There is established the Community of Butner Planning Commission.

(b) The Community of Butner Planning Commission shall consist of seven members, three appointed by the Secretary and four appointed by the Board of Commissioners of Granville County. All members shall reside within the Camp Butner reservation.

(c) The initial appointments shall be made for terms to begin January 1, 1986. Of the initial members, one appointment of the Secretary and one appointment of the Board of Commissioners of Granville County shall be for one-year terms, one appointment of the Secretary and one appointment of the Board of Commissioners of Granville County shall be for two-year terms, and one appointment of the Secretary and two appointments of the Board of Commissioners of Granville County shall be for three-year terms. Upon expiration, all succeeding terms shall be for three years.

(c1) The Community of Butner Planning Commission shall hold an annual public meeting for receiving public nominations to be forwarded to the Board of County Commissioners of Granville County and to the Secretary for their consideration for appointment to the Community of Butner Planning Commission.

(c2) Members of the Community of Butner Planning Commission may be removed for cause by the appointing authority.

(d) Members shall receive reimbursement for travel, per diem, and subsistence in accordance with Chapter 138 of the General Statutes. Expenses of the Community of Butner Planning Commission under this subsection shall be paid by the Department.

(e) The Community of Butner Planning Commission shall elect a chairman and a vice-chairman from its membership for a one-year term, and shall elect a clerk for a one-year term.

(f) The initial meeting of the Community of Butner Planning Commission shall be called by the Secretary. The Commission shall establish a regular meeting schedule that provides for meetings at least quarterly. Special meetings may be called by the Secretary, the chairman, or on the written request of two members.

(g) The Community of Butner Planning Commission shall adopt rules for its procedures.

(h) Prior to the adoption of any ordinance or rule under this section that will apply to the territory of Camp Butner reservation other than the grounds of State facilities or State institutions, the Secretary shall consult with the Community of Butner Planning Commission.

(i) In addition to the duties prescribed by this section, the Secretary may assign other duties to the Community of Butner Planning Commission that relate to the Community of Butner or the Camp Butner reservation.

"§ 122C-405. *Recordation of ordinances and rules; printing and distribution.*—All ordinances and rules adopted under this Part shall be filed and made available in accordance with Chapter 150A of the General Statutes.

"§ 122C-406. *Violations made misdemeanor.*—A person who violates an ordinance or rule adopted under this Part is guilty of a misdemeanor and is punishable by a fine, not to exceed fifty dollars ($50.00), and imprisonment, not to exceed 30 days.

"§ 122C-407. *Water and sewer system.*—(a) The Department may acquire, construct, establish, enlarge, maintain, operate, and contract for the operation of a water supply and distribution system and a sewage collection and disposal system for the Camp Butner reservation.

(b) These water and sewer systems may be operated for the benefit of persons and property within the Camp Butner reservation and areas outside the reservation within reasonable limitations specifically including any sanitary district or city in Durham or Granville Counties.

(c) The Secretary may fix and enforce water and sewer rates and charges in accordance with G.S. 160A-314 as if it were a city.

"§ 122C-408. *Butner Public Safety Division of the Department of Crime Control and Public Safety; jurisdiction; fire and police district.*—(a) The Secretary of Crime Control and Public Safety may employ special police officers for the territory of the Camp Butner reservation. The territorial jurisdiction of these special police officers shall include: (i) the Camp Butner reservation; (ii) the Lyons Station Sanitary District; and (iii) that part of Granville County adjoining the Butner reservation and the Lyons Station Sanitary District situated north and west of the intersection of Rural Paved Roads 1103 and 1106 and bounded by those roads and the boundaries of the reservation and the sanitary district. The Secretary of Crime Control and Public Safety may organize these special police officers into a public safety department for that territory and may establish it as a division within that principal department as permitted by Chapter 143B of the General Statutes.

(b) After taking the oath of office required for law enforcement officers, the special police officers authorized by this section shall have the authority of deputy sheriffs of Durham and Granville Counties in those counties respectively. Within the territorial jurisdiction stated in subsection (a) of this section, the special police officers have the primary responsibility to enforce the laws of North Carolina and any ordinance or regulation applicable to that territory adopted under authority of this Part or under G.S. 143-116.6 or G.S. 143-116.7 or under the authority granted any other agency of the State and also have the powers set forth for firemen in Articles 3, 5 and 6 of Chapter 69 of the General Statutes. Any civil or criminal process to be served on any individual confined at any State facility within the territorial jurisdiction described in subsection (a) of this section shall be forwarded by the sheriff of the county in which the process originated to the Director of the Butner Public Safety Division. Special police officers authorized by this section shall be assigned to transport any individual transferred to or from any State facility within the territorial jurisdiction described in subdivision (a) of this section to or from the psychiatric service of North Carolina Memorial Hospital.

"§ 122C-409. *Community of Butner comprehensive emergency management plan.*—The Department of Crime Control and Public Safety shall establish an emergency management agency as defined in G.S. 166A-4(2) for the Community of Butner and the Camp Butner reservation.

"Part 2. Black Mountain Joint Security Force.

"§ 122C-421. *Joint security force.*—The Secretary may designate one or more special police officers who shall make up a joint security force to enforce the law of North Carolina and any ordinance or regulation adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the Department by any other law on the territory of the Black Mountain Center, the Alcohol Rehabilitation Center, and the Juvenile Evaluation Center, all in Buncombe County. These special police officers have the same powers as peace officers now vested in sheriffs within the territory embraced by the named centers.

"Part 3. North Carolina Alcoholism Research Authority.

"§ 122C-431. *North Carolina Alcoholism Research Authority created.*—(a) The North Carolina Alcoholism Research Authority is created and shall consist of and be governed by a nine-member board to be appointed by the Governor. Three of the members shall be appointed for a two-year term, three shall be appointed for a four-year term and three shall be appointed for a six-year term; thereafter all appointments shall be for terms of six years. Any vacancy occurring in the membership of the board shall be filled by the Governor for the unexpired term.

(b) The board shall elect one of its members as chairman and one as vice-chairman. The director of the Center for Alcohol Studies of The University of North Carolina at Chapel Hill shall serve ex officio as executive secretary to the Authority. Board members shall receive the same per diem, subsistence, and travel allowances as members of similar State boards and commissions, provided funds are available in the 'Alcoholism Research Fund' for this purpose.

"§ 122C-432. *Authorized to receive and spend funds.*—The Authority may receive funds from State, federal, private, or other sources. These funds shall be held separately and designated as the 'Alcoholism Research Fund'. The Authority shall spend the Fund on research as to the causes and effects of alcohol abuse and alcoholism and for the training of alcohol research personnel. Expenditures for the purposes specified in this section shall be made as grants to nonprofit corporations, organizations, agencies, or institutions engaging in such research or training. The Authority may also pay necessary administrative expenses from the Fund.

"§ 122C-433. *Applications for grants; promulgation of rules.*—(a) Applications for grants are processed by the Center for Alcohol Studies. All applications shall be reviewed by scientific consultants to the Center; and the Center, after review and study, shall make recommendations to the Authority as to the awarding of grants. The Center shall also furnish to the Authority clerical assistance as may be required.

(b) The Authority shall adopt rules relative to applications for grants, the reviewing of grants and awarding of grants."

Sec. 3. G.S. 7A-451(a)(6) is amended by deleting "to a treatment facility under Article 5A of Chapter 122", and substituting "to a facility under Part 7 of Article 5 of Chapter 122C of the General Statutes, or a proceeding for commitment under Part 8 of Article 5 of Chapter 122C of the General Statutes".

Sec. 4. G.S. 7A-451.1 is amended by deleting "G.S. 122-58.7A", and substituting "G.S. 122C-267(d)".

Sec. 5. G.S. 7A-647(3) is amended by deleting "or local mental health director", both places those words appear.

Sec. 6. The first sentence of G.S. 14-446 is amended by deleting "an alcoholic in need of care as defined in G.S. 122-58.22 or G.S. 122-58.23", and substituting "a substance abuser and dangerous to himself or others as provided in G.S. 122C-281."

Sec. 7. G.S. 14-447 is amended by deleting "G.S. 122-65.11" both places it appears and substituting in both places "G.S. 122C-301".

Sec. 8. G.S. 15-155.2(c) is repealed.

Sec. 9. G.S. 15A-1002(b)(2) is amended by deleting "superintendent", and substituting "director", and is further amended by deleting "Chapter 122", and substituting "Chapter 122C".

Sec. 10. G.S. 15A-1003(a) and G.S. 15A-1321 are amended:

(1) by deleting "Article 5A of Chapter 122" each time it appears and substituting "Part 7 of Article 5 of Chapter 122C";

(2) by deleting "a community or regional mental health facility pursuant to G.S. 122-58.4(b)", both places it appears and substituting, "a 24-hour facility as described in G.S. 122C-252;" and

(3) by deleting "G.S. 122-58.3 or G.S. 122-58.18", in both places it appears and substituting "G.S. 122C-261 or G.S. 122C-262".

Sec. 11. G.S. 15A-1004(d) is amended by deleting "Chapter 122 of the General Statutes, Article 5A (Involuntary Commitment)", and substituting "Part 7 of Article 5 of Chapter 122C of the General Statutes".

Sec. 12. G.S. 15A-1322 is amended by deleting "G.S. 122-36", and substituting "G.S. 122C-3", and is further amended by deleting the word "imminently".

Sec. 13. G.S. 33-1 is amended in the second sentence by deleting "is declared incompetent in connection with his commitment to a mental hospital or".

Sec. 14. G.S. 34-16 is repealed.

Sec. 15. G.S. 35-1 is amended by deleting "inquisition", and substituting "incompetency hearing".

Sec. 16. G.S. 35-1.1 is amended by deleting "during his developmental period", and substituting, "before age 22".

Sec. 17. G.S. 35-1.7(4) is amended by adding a new sentence at the end to read: "Any individual permitted to be a guardian under G.S. 122C-122 is a disinterested public agent if he has no immediate responsibilities for providing services to a ward."

Sec. 18. G.S. 35-1.7(17) is rewritten to read:

"(17) 'Mental health professional' means any individual with appropriate training or experience in the field of mental health care of the mentally ill, including physicians, practicing psychologists, psychological associates, social workers, and registered nurses as specified

by the Commission for Mental Health, Mental Retardation, and Substance Abuse Services."

Sec. 19. G.S. 35-1.7(18) is rewritten to read:

"(18) 'Mental retardation professional' means any individual with appropriate training or experience in the field of care for the mentally retarded, including practicing psychologists, psychological associates, physicians, educators, social workers, and registered nurses as specified by the Commission for Mental Health, Mental Retardation, and Substance Abuse Services."

Sec. 20. G.S. 35-1.7(23) is amended by deleting "G.S. 122-36(g) and G.S. 122-56.2(b)", and substituting "G.S. 122C-3".

Sec. 21. G.S. 35-1.7(31) is amended by deleting "during the developmental period", and substituting "before age 22".

Sec. 22. G.S. 35-1.34(a) is amended by deleting "residential hospitals for the mentally ill as established and provided for by Article 1 of Chapter 122 or residential centers for the mentally retarded as established and provided for by Article 9 of Chapter 122", and substituting, "State facilities for the mentally ill or mentally retarded as established by G.S. 122C-181".

Sec. 23. G.S. 35-4.1 is repealed.

Sec. 24. G.S. 35-4.2 is repealed.

Sec. 25. G.S. 35-5 is repealed.

Sec. 26. G.S. 47-15 is repealed.

Sec. 27. G.S. 51-12 is repealed.

Sec. 28. G.S. 66-58(c)(7) is amended by deleting "patients" both places it appears and substituting "clients", and is further amended by deleting "institutions for the care of the blind, or mentally or physically defective", and substituting "facilities operated by the Department of Human Resources".

Sec. 29. G.S. 59-62(a)(1) is amended by deleting "declared a lunatic in any judicial proceeding", and substituting "adjudicated incompetent".

Sec. 30. G.S. 90-21.4 is amended by deleting in all three places it appears the words "or person standing *in loco parentis*", and substituting in each place "person standing *in loco parentis*, or a legal custodian other than a parent when granted specific authority in a custody order to consent to medical or psychiatric treatment".

Sec. 31. G.S. 90-21.5(a) is amended by deleting "G.S. 130-81", and substituting "G.S. 130A-135", and is further amended by deleting "G.S. 122-56.5", and substituting "G.S. 122C-222".

Sec. 32. G.S. 90-109 is amended by deleting "G.S. 122-23.2", and substituting "G.S. 122C-3(14)b.", and by deleting in both places "Article 1A of Chapter 122", and substituting in each place "Article 2 of Chapter 122C".

Sec. 33. G.S. 105A-2(1)j. is amended by deleting "Broughton Hospital, Cherry Hospital, Dorothea Dix Hospital, John Umstead Hospital, Caswell Center at Kinston, Murdoch School, O'Berry School, Western Carolina Center, Black Mountain Alcoholic Rehabilitation Center, Butner Alcoholic Rehabilitation Center, Walter B. Jones Alcoholic Rehabilitation Center", and substituting "State facilities as listed in G.S. 122C-181(a)".

Sec. 34. G.S. 108A-101(m) is amended by deleting "G.S. 122-36(n)" and substituting "G.S. 122C-3(15)".

Sec. 35. G.S. 108A-103(b) is amended by deleting "mental health clinics" and substituting "area mental health, mental retardation, and substance abuse authorities".

Sec. 36. G.S. 110-86(3) is amended by inserting immediately after the words "schools conducted during vacation periods;" the words "facilities licensed under Article 2 of Chapter 122C of the General Statutes;".

Sec. 37. G.S. 120-123(24) is amended by deleting "G.S. 122-120", and substituting "G.S. 122C-431".

Sec. 38. G.S. 126-5(a) is amended by inserting immediately after the words "not herein exempt," the phrase "to employees of area mental health, mental retardation, and substance abuse authorities,", and is further amended by deleting the phrase", mental health clinics".

Sec. 39. G.S. 131D-10.4(4) is amended by deleting "Treatment programs" and substituting "Licensable facilities", and is further amended by deleting "Article 1A of Chapter 122", and substituting "Article 2 of Chapter 122C".

Sec. 40. G.S. 131E-66 is repealed.

Sec. 41. G.S. 131E-76(3) is amended by deleting "G.S. 122-72", and substituting "Article 2 of Chapter 122C of the General Statutes".

Sec. 42. G.S. 131E-176 (14a) and G.S. 131E-176(21) are each amended by deleting "Chapter 122" and substituting "Article 2 of Chapter 122C".

Sec. 43. (a) G.S. 131E-176(5a), G.S. 58-251.8(d), G.S. 57-7.3(d), G.S. 57B-12.1(d), and G.S. 135-40.7A(c) are amended by deleting the words "Article 1A of General Statutes Chapter 122", and substituting "Article 1A of General Statutes Chapter 122 or Article 2 of General Statutes Chapter 122C".

(b) Effective January 1, 1988, G.S. 131E-176(5a), G.S. 58-251.8(d), G.S. 57-7.3(d), G.S. 57B-12.1(d), and G.S. 135-40.7A(c) are amended by deleting the words "Article 1A of General Statutes Chapter 122".

Sec. 44. G.S. 143-475.1 is repealed.

Sec. 45. G.S. 143B-13(b)(ii) is amended by deleting "insanity", and substituting "incompetence".

Sec. 46. G.S. 143B-13(b)(x) is amended by deleting "to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, a dipsomaniac, an inebriate, or a stimulant addict", and substituting "as a substance abuser under Part 8 of Article 5 of Chapter 122C of the General Statutes".

Sec. 47. G.S. 143B-147(a) is amended by deleting the phrase "and regulations", the first four times it appears.

Sec. 48. G.S. 143B-147(a)(1) is amended by deleting "establish standards and promulgate", and substituting "adopt".

Sec. 49. G.S. 143B-147(a)(1)a. is rewritten to read "Admission, including the designation of regions, treatment, and professional care of individuals admitted to any State facility as defined in G.S. 122C-3, that is now or may be established."

Sec. 50. G.S. 143B-147(a)(1)b. and c. are each amended by deleting "Article 2F of Chapter 122", and substituting "Part 4 of Article 4 of Chapter 122C".

Sec. 51. G.S. 143B-147(a)(2) is amended by deleting "inspection, registration and", and is further amended by deleting "Article 1A of Chapter 122", and substituting "Article 2 of Chapter 122C".

Sec. 52. G.S. 143B-147(a)(5) is rewritten to read: "To adopt rules relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances as provided by G.S. 90-100."

Sec. 53. G.S. 143B-147(a) is further amended by adding new subdivisions to read:

"(6) Except where rule making authority is assigned under that Article to the Secretary of Human Resources, to adopt rules to implement Article 3 of Chapter 122C of the General Statutes.

(7) To adopt rules specifying procedures for waiver of rules adopted by the Commission."

Sec. 54. G.S. 143B-147(b) and (d) are each amended by deleting "and regulations".

Sec. 55. G.S. 148-22(b) is amended by inserting immediately after the words "mental health,", the words "mental retardation, substance abuse,".

Sec. 55.1. G.S. 148-19(d) is amended by inserting immediately after the words "mental health,", the words "mental retardation, and substance abuse,".

Sec. 56. G.S. 153A-77 is amended as follows:

(1) by deleting "is hereby authorized to", and substituting "may";

(2) by deleting "board of mental health (area)", and substituting "area mental health, mental retardation, and substance abuse board";

(3) by deleting "It is provided, however, that the board", and substituting "The board"; and

(4) by deleting "is further authorized and empowered, in the exercise of its discretion, to", and substituting "may also".

Sec. 57. G.S. 153A-149(c)(22) is amended by deleting "county or area mental health department", and substituting "area mental health, mental retardation, and substance abuse authority".

Sec. 58. G.S. 153A-247 is amended by deleting "Chapter 130", and substituting "Chapter 130A of the General Statutes", and is further amended by deleting "programs pursuant to Chapter 122", and substituting "mental retardation, and substance abuse programs pursuant to Chapter 122C of the General Statutes".

Sec. 59. G.S. 153A-249 is amended by deleting "Chapter 131", and substituting "Chapters 122C, 131 and 131E of the General Statutes".

Sec. 60. G.S. 163-85(c)(6) is repealed.

Sec. 61. G.S. 168-9 is amended by deleting "Chapter 122", and substituting "Chapter 122C".

Sec. 62. G.S. 168-21 is amended by deleting "G.S. 122-58.2(1)b., and substituting "G.S. 122C-3(11)b.".

Sec. 63. (a) Terms used in this section have the same meaning as in Chapter 122C of the General Statutes.

(b) G.S. 122C-65 and G.S. 122C-66 apply only to acts or omissions occurring on or after January 1, 1986.

(c) Where any right enumerated in G.S. 122-55.2(b) or G.S. 122-55.14(b) has been restricted under G.S. 122-55.2(d) or G.S. 122-55.14(c), and the period of restriction had not expired before January 1, 1986, then

such limitation shall, unless otherwise terminated, remain effective for the shorter of:

(1) the period for which it was stated to be effective; or

(2) seven days after December 31, 1985.

(d) Because this act becomes effective at the middle of a fiscal year, the Secretary may adopt rules to implement G.S. 122C-147 for fiscal year 1985-86 to cover the transition between G.S. 122-35.53 and G.S. 122C-147.

(e) Respondents committed to a facility for a specific period of time before the effective date of Article 5 of Chapter 122C of the General Statutes are deemed to have been committed for the same period of time under that Article.

(f) If any appeal under G.S. 122-35.41, G.S. 122-35.50, or G.S. 122-35.52 is pending on the effective date of this act, it shall be governed by the law and rules in effect at the time of the appeal. If any appeal was allowable under one of those sections, but was not taken before the effective date of this act, it shall be governed by G.S. 122C-145.

(g) Any person serving as a guardian under the authority of former G.S. 122-24.1 shall continue to serve as guardian notwithstanding the repeal of that section.

(h) G.S. 122C-254(a) through (c) applies to persons alleged to have committed crimes on or after October 1, 1981.

(i) Parts 2 through 4 of Article 5 of Chapter 122C of the General Statutes shall apply to all new admissions of voluntary clients to facilities for the mentally ill and substance abusers occurring on or after the effective date of this act. In addition, G.S. 122C-212 and G.S. 122C-224 shall apply to all voluntary clients discharged from such a facility on or after the effective date of this act.

(j) The admission of individuals residing in facilities for individuals with mental retardation on the effective date of this act shall be reviewed by the facility within two years subsequent to the effective date to assure that the admission conforms to the provisions of G.S. 122C-241.

(k) Substance abusers committed as outpatients pursuant to G.S. 122-58.7A:1 or G.S. 122-58.8 prior to the effective date of this act shall not be subject to the provisions of G.S. 122C-290 through G.S. 122C-293. If appropriate, new involuntary commitment proceedings may be instituted regarding such individuals pursuant to G.S. 122C-281 through G.S. 122C-289.

(l) Until any change is made in the size of an area board under G.S. 122C-118(a), it shall remain the same size as on December 31, 1985.

(m) The Planning Advisory Committee for the Town of Butner shall hold a public meeting in 1985 for receiving public nominations to be forwarded to the County Commissioners and Secretary for their consideration in making initial appointments to the Community of Butner Planning Commission under G.S. 122C-404.

(n) Any ordinance, rule, or regulation made under G.S. 122-95 and in effect on December 31, 1985, shall continue in effect until amended, modified, or repealed by the Secretary of Human Resources under G.S. 122C-403.

(o) The Department of Human Resources shall prepare a report regarding alternative procedures to G.S. 122C-57(e) designed to better

protect the involuntary client's right to consent or refuse specific treatment measures. Included in this report shall be an assessment of the feasibility of appointing a guardian *ad litem* or a guardian for a respondent while he is held involuntarily in a 24-hour facility. If the 1985 General Assembly Adjournment Resolution allows a report from the Mental Health Study Commission during the 1986 Short Session, then the Department's report shall be made to the Mental Health Study Commission by March 1, 1986. If not, then the Department's report shall be made to the Mental Health Study Commission no later than September 1, 1986.

Sec. 64. Prosecutions for offenses occurring before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Sec. 65. The provisions of this act are severable, and if any provision of this act is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of this act which can be given effect without the invalid provision.

Sec. 66. This act shall become effective January 1, 1986, except that Section 63(m) of this act is effective upon ratification. Notwithstanding the previous sentence, rules to implement this act which are authorized to be adopted by this act or which are otherwise authorized to be adopted by law may be adopted at any time after ratification of this act, but shall not become effective before January 1, 1986.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 164 **CHAPTER 590**

AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR DISTRIBUTING WINE MADE PRINCIPALLY FROM NORTH CAROLINA GRAPES.

The General Assembly of North Carolina enacts:

Section 1. Division I of Article 4 of Chapter 105 of the General Statutes is amended by adding a new section to read:

"§ 105-130.38. *Credit for distributing North Carolina wine.*—(a) A corporation that is required by Article 2C of this Chapter to pay the excise tax levied on unfortified or fortified wine is allowed a credit against the tax imposed by this Division equal to the product of twenty cents (20¢) and the number of liters of qualifying native wine on which the corporation paid excise tax during the taxable year. To obtain this credit a corporation that is a wine wholesaler or an importer must attach the following to the tax return on which the credit is claimed:

(1) A copy of the sales invoice between the manufacturer of the wine for which the credit is claimed and the grower from whom the fruits or berries of which the wine is composed was purchased;

(2) A statement signed by the manufacturer of the wine certifying that the wine for which the credit is claimed is qualifying native wine and giving the names of any other wine wholesalers or

importers in North Carolina who received part of the same qualifying native wine.

If the corporation claiming the credit is an unfortified winery or a fortified winery, the corporation must attach to its return a signed statement certifying that the wine for which the credit is claimed is qualifying native wine. This credit may not exceed the amount of tax imposed by this Division for the taxable year reduced by the sum of all credits allowable under this Division, except tax payments made by or on behalf of the taxpayer.

(b) Definitions. The following definitions apply in this section:

(1) Native Wine. Unfortified or fortified wine at least sixty percent (60%) of which is composed of fruits or berries grown in North Carolina.

(2) Qualifying Native Wine. Native wine that is part of the first 950 liters of wine produced by a manufacturer from each ton of fruits or berries grown in North Carolina."

Sec. 2. Division II of Article 4 of Chapter 105 of the General Statutes is amended by adding a new section to read:

"§ 105-151.15. *Credit for distributing North Carolina wine.*—(a) Credit. A person who is required by Article 2C of this Chapter to pay the excise tax levied on unfortified or fortified wine is allowed a credit against the tax imposed by this Division equal to the product of twenty cents (20¢) and the number of liters of qualifying native wine on which the person paid excise tax during the taxable year. To obtain this credit a person who is a wine wholesaler or an importer must attach the following to the tax return on which the credit is claimed:

(1) A copy of the sales invoice between the manufacturer of the wine for which the credit is claimed and the grower from whom the fruits or berries of which the wine is composed was purchased;

(2) A statement signed by the manufacturer of the wine certifying that the wine for which the credit is claimed is qualifying native wine and giving the names of any other wine wholesalers or importers in North Carolina who received part of the same qualifying native wine.

If the person claiming the credit is an unfortified winery or a fortified winery, the person must attach to his return a signed statement certifying that the wine for which the credit is claimed is qualifying native wine. This credit may not exceed the amount of tax imposed by this Division for the taxable year reduced by the sum of all credits allowable under this Division, except tax payments made by or on behalf of the taxpayer.

(b) Definitions. The following definitions apply in this section:

(1) Native Wine. Unfortified or fortified wine at least sixty percent (60%) of which is composed of fruits or berries grown in North Carolina.

(2) Qualifying Native Wine. Native wine that is part of the first 950 liters of wine produced by a manufacturer from a ton of fruits or berries grown in North Carolina."

Sec. 3. This act is effective for taxable years beginning on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 236 **CHAPTER 591**

AN ACT TO AMEND THE STATUTE PERMITTING THE APPOINTMENT OF TRAFFIC CONTROL OFFICERS AND ESTABLISHING THEIR DUTIES TO APPLY UNIFORMLY THROUGHOUT THE STATE.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 483 of the 1983 Session Laws is repealed.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 338 **CHAPTER 592**

AN ACT EXTENDING THE PROVISION OF SERVICES UNDER THIS ARTICLE TO CHILDREN OVER AGE EIGHTEEN IN CERTAIN INSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-129(2) is amended by deleting the period at the end of the sentence and adding the following at the end of that subsection:

", or any person over the age of 18 for whom a court orders that support payments continue as provided in G.S. 50-13.4(c)."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 388 **CHAPTER 593**

AN ACT TO ESTABLISH THE BLACK MOUNTAIN ADVANCEMENT CENTER FOR WOMEN AT BLACK MOUNTAIN.

The General Assembly of North Carolina enacts:

Section 1. The Black Mountain Advancement Center for Women to be located at Black Mountain is established. This unit of the North Carolina Department of Correction shall be a satellite of the Correctional Center for Women at Raleigh and shall be governed by such rules and regulations as shall be imposed by the North Carolina Department of Correction.

Sec. 2. Notwithstanding G.S. 143-341(4)g. the grounds now occupied by the Black Mountain Regional Mental Retardation Center as described below and Building 3 are transferred from the Department of Human Resources to the Department of Correction. The legal description of those grounds is:

In Buncombe County, Black Mountain Township:

Beginning on an iron pin in Craigmont Road North 23° 35′ East 104.0 from an iron pin, the corner of the Bussman Corp. Property; runs thence, leaving said road, the following courses and distances: North 32° 35′ 30″ East 100 ft. to an iron pin; North 41° 35′ 36″ East 50 ft. to an iron pin; North 50° 03′ 30″ 100 ft. to an iron pin; North 53° 35′ 30″ East 200 ft. to a pin; South 87° 24′ 30″ East to a concrete monument, a corner of Bussman Corp. Property; North 33° 45′ East 474 ft.; North 13° 30′ East to a point in the junction of roads; thence following the road an average course of South 76° 10′ West 865 ft. to an iron pin in Craigmont Road; thence South 06° 30′ West 235 ft. to a pin in Craigmont Road; thence continuing with the center of said road South 25° 35′ West 570 ft. to the beginning; containing 7.54 acres, more or less.

The transfer of these grounds and Building 3 shall occur on or before July 1, 1986.

Sec. 3. The women to be housed in the Black Mountain Advancement Center for Women shall be minimum custody inmates. The Secretary of Correction shall, when appropriate, transfer minimum custody inmates to this unit who have relatives in Western North Carolina. However, the population at this facility shall not exceed 50 inmates.

Sec. 4. When the population exceeds 40 square feet of living space per inmate in any women's correctional facility, the Secretary may transfer inmates to another facility or implement emergency release options within his authority within 30 days.

Sec. 5. The Department of Correction may contract with the Department of Human Resources to provide medical services and food services at cost to the Black Mountain Advancement Center for Women.

Sec. 6. The State Board of Community Colleges shall provide appropriate educational and vocational training to the inmates of the Black Mountain Advancement Center for Women. The staff of the Alcoholic Rehabilitation Center may assist in providing high school equivalency programs for the inmates.

Sec. 7. The Director of the Black Mountain Mental Retardation Center may allow inmates from the Black Mountain Advancement Center for Women who are qualified for positions in the Center to work in the Center on work release. The Director of the Black Mountain Mental Retardation Center may also allow inmates from the Black Mountain Advancement Center for Women to enroll in the health care programs offered at the Center and may grant certificates of completion to those inmates who satisfactorily finish the program.

Sec. 8. Nothing in this act shall obligate the General Assembly to appropriate funds to carry out its provisions.

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 459 **CHAPTER 594**

AN ACT TO AMEND THE ENABLING ACT OF THE GREENSBORO-HIGH POINT AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1078, Session Laws of 1979 (Second Session, 1980), as amended, which reenacted, ratified, validated, and confirmed Chapter 98, Public-Local Laws of 1941, as amended by Chapter 601, Session Laws of 1943; Chapter 137, Session Laws of 1945; Chapter 1198, Session Laws of 1957; and Chapter 793, Session Laws of 1969, is amended:

(a) By rewriting the first sentence of Section 3(b) to read:

"(b) The Airport Authority shall consist of seven members of whom two shall be resident voters of the City of High Point, two shall be resident voters of the City of Greensboro, one shall be a resident voter of the City of Winston-Salem, one shall be from Guilford County at large, and one shall be from Forsyth County at large. One of the two members who must be resident voters of the City of High Point shall be appointed by the City Council of the City of High Point and the other shall be appointed by the Guilford County Board of Commissioners. One of the two members who must be resident voters of the City of Greensboro shall be appointed by the City Council of the City of Greensboro and the other shall be appointed by the Guilford County Board of Commissioners. The member who must be a resident voter of the City of Winston-Salem shall be appointed by the Board of Aldermen of the City of Winston-Salem. The member who is from Guilford County at large shall be appointed by the Guilford County Board of Commissioners and the member who is from Forsyth County at large shall be appointed by the Forsyth County Board of Commissioners."

(b) By adding two sentences after the fifth sentence of Section 3(b) to read:

"The first member to be appointed by the Board of Aldermen of the City of Winston-Salem shall be appointed for a term ending April 20, 1986, thereafter, the term of the member appointed by the Board of Aldermen of the City of Winston-Salem shall be for three years. The first member to be appointed by the Forsyth County Board of Commissioners shall be appointed for a term ending April 20, 1987, thereafter, the term of the member appointed by the Forsyth County Board of Commissioners shall be for three years."

(c) The seventh sentence of Section 3(b) is amended by adding immediately after the words "City Council" the words ", Board of Aldermen".

Sec. 2. This act does not affect the terms of the current members of the Greensboro-High Point Airport Authority.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 469 **CHAPTER 595**

AN ACT TO REQUIRE THAT ZONING PROCEDURES INCLUDE A NOTICE REQUIREMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-343 is amended by adding a new sentence to read:

"The procedures adopted pursuant to this section shall provide that whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud."

Sec. 2. G.S. 160A-384 is amended by adding a new sentence to read:

"The procedures adopted pursuant to this section shall provide that whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or persons mailing such notices shall certify to the City Council that fact, and such certificate shall be deemed conclusive in the absence of fraud."

Sec. 3. This act shall become effective October 1, 1985 and shall apply only when tax maps are available for the areas to be zoned.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 536 **CHAPTER 596**

AN ACT TO ALLOW ON-PREMISE SALES OF BEER AT MINI-BREWERIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-1001(1) is amended by adding a new sentence at the end to read: "The permit may also be issued to certain breweries as authorized by G.S. 18B-1104(7)."

Sec. 2. G.S. 18B-1104 is amended by changing the period at the end of subdivision (6) to a semicolon and adding a new subdivision to read:

"(7) In areas where the sale is legal, sell the brewery's malt beverages at the brewery upon receiving a permit under G.S. 18B-1001(1). This authorization shall apply to breweries that produce fewer than 62,000 gallons of malt beverages per year."

Sec. 3. G.S. 105-113.68(13) is amended by rewriting that subdivision to read:

"(13) 'Wholesaler or importer' when used with reference to wholesalers or importers of wine or malt beverages includes resident wineries that sell their wines at retail and resident breweries that produce fewer than 62,000 gallons of malt beverages per year."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 548 **CHAPTER 597**

AN ACT TO INCORPORATE TECHNICAL AMENDMENTS INTO THE PRIVATE PROTECTIVE SERVICES ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 74C-9(b), as the same appears in Volume 2C of the General Statutes, is amended on line 1 by deleting the words "two years" and inserting in lieu thereof the words "one year".

Sec. 2. G.S. 74C-9(d), as the same appears in Volume 2C of the General Statutes, is amended on line 3 by inserting after the word "office." and before the word "Every" the following: "This license shall be issued for a term of one year."

Sec. 3. G.S. 74C-9(e)(1) is amended by deleting the words "seventy-five dollars ($75.00)" and substituting "one hundred fifty dollars ($150.00)".

Sec. 4. G.S. 74C-9(e)(4) is amended by deleting the words "twenty-five dollars ($25.00)" and substituting "fifty dollars ($50.00)".

Sec. 5. G.S. 74C-9(e)(11) is amended by deleting the period and inserting in lieu thereof a semicolon.

Sec. 6. G.S. 74C-9(e) is amended by adding a new subdivision (12) to read:

"(12) An unarmed guard registration transfer fee is not to exceed fifteen dollars ($15.00);".

Sec. 7. G.S. 74C-9(e) shall be amended by adding a new subdivision (13) to read:

"(13) A branch office license fee not to exceed fifty dollars ($50.00)."

Sec. 8. G.S. 74C-11(a), as it appears in Volume 2C of the General Statutes, is amended as follows:

a. On lines 4 and 5 by deleting the words "two sets" and substituting the language "set(s)";

b. On lines 5 and 6 by deleting the words "two recent photographs" and substituting the language "recent photograph(s)".

Sec. 9. G.S. 74C-11(d), as the same appears in the 1983 Cumulative Supplement to Volume 2C of the General Statutes, is amended as follows:

a. At line 7 the words "and shall have" are deleted and the words "and may have" are inserted in lieu thereof;

b. At line 9 the words "expire two years" are deleted and "expire one year" is inserted in lieu thereof;

c. At line 9 the words "every two years" are deleted and the words "every year" are inserted in lieu thereof;

d. At line 12 the period is deleted and the language ", provided the unarmed guard registration transfer fee is paid to the Board." is inserted in lieu thereof.

Sec. 10. G.S. 74C-30(c)(1) is amended by deleting the language "one-time".

Sec. 11. G.S. 74C-30(c)(3), as the same appears in the 1983 Cumulative Supplement to Volume 2C of the General Statutes, is amended on lines 4 through 9 by deleting the following language:

", provided further that no such assessment shall be made until after such time as the fund initially reaches a level of one hundred thousand dollars ($100,000) from funds collected pursuant to subdivisions (1) and (2) of this subsection".

Sec. 12. G.S. 74C-4(b) is amended in the fifth sentence by deleting the word "six" and inserting the word "eight".

Sec. 13. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 584 **CHAPTER 598**

AN ACT TO PROVIDE FOR INTEREST TO RUN ON WORKERS' COMPENSATION AWARDS IN CASES OF APPEALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 97-86.2 of the General Statutes is amended by rewriting the first sentence to read:

"In any workers' compensation case in which an order is issued either granting or denying an award to the employee and where there is an appeal resulting in an ultimate award to the employee, the insurance carrier or employer shall pay interest on the final award or unpaid portion thereof from the date of the original order, which granted or denied the award, until paid at the legal rate of interest provided in G.S. 24-1."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 658 **CHAPTER 599**

AN ACT TO PROVIDE A UNIFORM FILING PERIOD FOR CANDIDACIES IN MUNICIPAL ELECTIONS AND MAKING CONFORMING CHANGES IN DATES FOR SETTING FILING FEES AND APPOINTING MUNICIPAL BOARDS OF ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. The first paragraph of G.S. 163-294.2(c) is rewritten to read:

"Candidates seeking municipal office shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the first Friday in August preceding the election."

Sec. 2. The first sentence of G.S. 163-291(2) is rewritten to read:

"A candidate seeking party nomination for municipal or district office shall file his notice of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the first Friday in August preceding the election."

Sec. 3. The first sentence of G.S. 163-291(3) is rewritten to read:

"The filing fee for municipal and district primaries shall be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy."

Sec. 4. G.S. 163-280(a) is amended by deleting "July 1" each time those words appear, and substituting "June 1".

Sec. 5. This act shall become effective January 1, 1987.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 659 **CHAPTER 600**

AN ACT TO CHANGE THE DEADLINES FOR MAKING APPLICATION FOR ABSENTEE BALLOTS TO PROVIDE FOR APPLICATIONS BY MAIL TWO DAYS EARLIER, BUT EXTENDING BY ONE DAY THE DEADLINE FOR ONE-STOP ABSENTEE VOTING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-227(a) is amended by deleting "Thursday" each time that word appears, and substituting "Tuesday".

Sec. 2. G.S. 163-227(b) is amended by deleting "Thursday" each time that word appears, and substituting "Tuesday".

Sec. 3. G.S. 163-227.1 is amended by deleting "Thursday" each time that word appears, and substituting "Tuesday".

Sec. 4. G.S. 163-227.2 is amended by deleting "Thursday" each time that word appears, and substituting "Friday".

Sec. 5. G.S. 163-230(2)a. is amended in the first paragraph by deleting "fifth", and substituting "sixth".

Sec. 6. G.S. 163-230(3)c. is amended by deleting "Thursday" and substituting "Tuesday".

Sec. 7. G.S. 163-232 is amended by deleting "Thursday", and substituting "Tuesday or Friday".

Sec. 7.1. G.S. 163-41(b) as rewritten by Chapter 387, Session Laws of 1985 is amended by deleting "from time until", and substituting "from time to time until".

Sec. 8. This act shall become effective with respect to elections held on or after January 1, 1986. Section 7.1 is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 764 **CHAPTER 601**

AN ACT TO EQUALIZE THE PROPERTY TAX BURDEN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-284 is rewritten to read as follows:

"§ 105-284. *Uniform assessment standard.*—(a) Except as otherwise provided in this section, all property, real and personal, shall be assessed for taxation at its true value or use value as determined under G.S. 105-283 or G.S. 105-277.6, and taxes levied by all counties and municipalities shall be levied uniformly on assessments determined in accordance with this section.

(b) The assessed value of public service company system property subject to appraisal by the Department of Revenue under G.S. 105-335(b)(1) shall be determined by applying to the allocation of such value to each county a percentage to be established by the Department of Revenue. The percentage to be applied shall be either:

(1) The median ratio established in sales assessment ratio studies of real property conducted by the Department of Revenue in the county in the year the county conducts a reappraisal of real property and in the fourth and seventh years thereafter; or

(2) A weighted average percentage based on the median ratio for real property established by the Department of Revenue as provided in subdivision (1) and a one hundred percent (100%) ratio for personal property. No percentage shall be applied in a year in which the median ratio for real property is ninety percent (90%) or greater.

If the median ratio for real property in any county is below ninety percent (90%) and if the county assessor has provided information satisfactory to the Department of Revenue that the county follows accepted guidelines and practices in the assessment of business personal property, the weighted average percentage shall be applied to public service company property. In calculating the weighted average percentage, the Department shall use the assessed value figures for real and personal property reported by the county to the Local Government Commission for the preceding year. In any county which fails to demonstrate that it follows accepted guidelines and practices, the percentage to be applied shall be the median ratio for real property. The percentage established in a year in which a sales assessment ratio study is conducted shall continue to be applied until another study is conducted by the Department of Revenue.

(c) Notice of the median ratio and the percentage to be applied for each county shall be given by the Department of Revenue to the chairman of the board of commissioners not later than April 15 of the year for which it is to be effective. Notice shall also be given at the same time to the public service companies whose property values are subject to adjustment under this section. Either the county or an affected public service company may challenge the real property ratio or the percentage established by the Department of Revenue by giving notice of exception within 30 days after the mailing of the Department's notice. Upon receipt of such notice of

exception, the Department shall arrange a conference with the challenging party or parties to review the matter. Following the conference, the Department shall notify the challenging party or parties of its final determination in the matter. Either party may appeal the Department's determination to the Property Tax Commission by giving notice of appeal within 30 days after the mailing of the Department's decision."

Sec. 2. G.S. 105-299 is amended by inserting the following sentences after the first sentence of that section:

"The county may make available to such persons any information it has that will facilitate the performance of a contract entered into pursuant to this section. Persons receiving such information shall be subject to the provisions of G.S. 105-289(e) and G.S. 105-259 regarding the use and disclosure of information provided to them by the county."

Sec. 3. G.S. 105-289(h) is rewritten to read as follows:

"(h) To make studies of the ratio of the appraised value of real property to its true value in money in each county in the years in which the county conducts a general reappraisal of real property under G.S. 105-286(a) and in the fourth and seventh years thereafter. The studies shall be conducted in accordance with generally accepted principles and procedures for sales assessment ratio studies."

Sec. 4. G.S. 105-342(c) is repealed.

Sec. 5. Sections 1 and 3 of this act shall become effective January 1, 1987. Sections 2 and 5 are effective upon ratification. Section 4 shall become effective in each county as of January 1 of the year in which sales assessment ratio studies are first required to be conducted in the county by the Department of Revenue under Section 1.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.B. 796 **CHAPTER 602**

AN ACT TO REPEAL THE SPECIAL FUELS TAX EXEMPTION FOR METHANOL AND TO PROVIDE FOR THE COLLECTION OF THE MOTOR FUEL INSPECTION FEE ON LIQUID FUELS THAT ARE NOT PETROLEUM-BASED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-449.2(3) is rewritten to read:

"(3) 'Fuel' means all combustible gases and liquids used, purchased, or sold to generate power to propel a motor vehicle, except fuel subject to the tax imposed by G.S. 105-434."

Sec. 2. G.S. 119-18 is amended as follows:

(1) by deleting the phrase ", gasoline, and other products of petroleum used as motor fuel" and the phrase ", gasoline and other products of petroleum used as motor fuel" and substituting the phrase "and motor fuel"; and

(2) by deleting the words "gasoline road" each time they appear and substituting the words "per gallon excise".

Sec. 3. This act shall become effective August 1, 1985.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 85 **CHAPTER 603**

AN ACT TO CONFORM THE NORTH CAROLINA RULES OF CIVIL PROCEDURE TO THE FEDERAL RULES WITH REGARD TO ABUSIVE DISCOVERY PRACTICES, AND CLARIFYING WHEN CONTINUANCES MAY BE GRANTED IN CIVIL AND CRIMINAL PROCEEDINGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 26, is amended by deleting the second sentence of Rule 26(a).

Sec. 2. G.S. 1A-1, Rule 26, is further amended by rewriting Rule 26(b), to the end of Rule 26(b)(1), as follows:

"(b) *Discovery scope and limits.*—Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(1) In General.—Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence nor is it grounds for objection that the examining party has knowledge of the information as to which discovery is sought.

The frequency or extent of use of the discovery methods set forth in section (a) shall be limited by the court if it determines that: (i) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or (iii) the discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation. The court may act upon its own initiative after reasonable notice or pursuant to a motion under section (c)."

Sec. 3. G.S. 1A-1, Rule 26, is amended by adding a new section (f), as follows:

"(f) *Discovery conference.*—At any time after commencement of an action the court may direct the attorneys for the parties to appear before it for a conference on the subject of discovery. The court may do so upon motion by the attorney for any party if the motion includes:

(1) A statement of the issues as they then appear;
(2) A proposed plan and schedule of discovery;
(3) Any limitations proposed to be placed on discovery;
(4) Any other proposed orders with respect to discovery; and
(5) A statement showing that the attorney making the motion has made a reasonable effort to reach agreement with opposing attorneys on the matters set forth in the motion. Each party and his attorney are under a duty to participate in good faith in the framing of a discovery plan if a plan is proposed by the attorney for any party. Notice of the motion shall be served on all parties. Objections or additions to matters set forth in the motion shall be served not later than 10 days after service of the motion.

Following the discovery conference, the court shall enter an order tentatively identifying the issues for discovery purposes, establishing a plan and schedule for discovery, setting limitations on discovery, if any; and determining such other matters, including the allocation of expenses, as are necessary for the proper management of discovery in the action. An order may be altered or amended whenever justice so requires.

Subject to the right of a party who properly moves for a discovery conference to prompt convening of the conference, the court may combine the discovery conference with a pretrial conference authorized by Rule 16."

Sec. 4. G.S. 1A-1, Rule 26, is amended by adding a new section (g), as follows:

"(g) *Signing of discovery requests, responses, and objections.*—Every request for discovery or response or objection thereto made by a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign the request, response, or objection and state his address. The signature of the attorney or party constitutes a certification that he has read the request, response, or objection and that to the best of his knowledge, information, and belief formed after a reasonable inquiry it is: (1) consistent with the rules and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (2) not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation; and (3) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation. If a request, response, or objection is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party making the request, response, or objection and a party shall not be obligated to take any action with respect to it until it is signed.

If a certification is made in violation of the rule, the court, upon motion or upon its own initiative, shall impose upon the person who made the certification, the party on whose behalf the request, response, or objection is made, or both, an appropriate sanction, which may include an order to pay the amount of the reasonable expenses incurred because of the violation, including a reasonable attorney's fee."

Sec. 5. G.S. 1A-1, Rule 37, is amended by adding the words "or if a party fails to obey an order entered under Rule 26(f)" after the word and number "Rule 35," in the first sentence of Rule 37(b)(2).

Sec. 6. G.S. 1A-1, Rule 37, is amended by changing the indentation of paragraph in Rule 37(b)(2) beginning with the words "In lieu of...", by moving same three spaces toward the left margin.

Sec. 7. G.S. 1A-1, Rule 37, is amended by adding a new section (g), as follows:

"(g) *Failure to participate in the framing of a discovery plan.*—If a party or his attorney fails to participate in good faith in the framing of a discovery plan by agreement as is required by Rule 26(f), the court may, after opportunity for hearing, require such party or his attorney to pay to any other party the reasonable expenses, including attorney's fees, caused by the failure."

Sec. 8. Rule 40(b) of G.S. 1A-1 is amended by adding the following sentence: "Good cause for granting a continuance shall include those instances when a party to the proceeding, a witness, or counsel of record has an obligation of service to the State of North Carolina, including service as a member of the General Assembly."

Sec. 9. G.S. 15A-701(b)(7) is amended by adding a new subsection d after subsection c therein as follows:

"d. Good cause for granting a continuance shall include those instances when the defendant, a witness, or counsel of record has an obligation of service to the State of North Carolina, including service as a member of the General Assembly."

Sec. 10. Sections 8 and 9 of this act are effective upon ratification. The remaining sections of this act shall become effective October 1, 1985, and shall apply, insofar as just and practicable, to pending litigation.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 485 **CHAPTER 604**

AN ACT TO VALIDATE CERTAIN FORECLOSURE SALES PRIOR TO JUNE 1, 1985.

The General Assembly of North Carolina enacts:

Section 1. G.S. 45-21.47 is amended by deleting the phrase "June 1, 1983" each time it appears and substituting the phrase "June 1, 1985".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 562 **CHAPTER 605**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH TO ELIMINATE THE UNANIMOUS VOTE REQUIREMENT FOR ORDINANCES AFFECTING BUSINESS AND TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO REGULATE DEVELOPMENT IN ESTUARINE WATERS AND PUBLIC TRUST LIMITS UNDER NAVIGABLE WATERS.

The General Assembly of North Carolina enacts:

Section 1. Section 7 of Chapter 305 of the 1899 Private Laws as amended by Section 4 of Chapter 519 of the 1965 Session Laws is amended by deleting Section 7(b)(3) in its entirety.

Sec. 2. G.S. 160A-381 is amended by inserting immediately after the first sentence a new sentence to read: "A city may also regulate development over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12, that are within the zoning jurisdiction of the city." and by adding a new paragraph at the end to read: "For the purposes of this section, the term 'structures' shall include floating homes."

Sec. 3. This act applies only to the Town of Wrightsville Beach.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 591 **CHAPTER 606**

AN ACT TO MAKE THE CONTENTS OF THE CLERK'S CRIMINAL RECORD INDEX ADMISSIBLE TO PROVE PRIOR MISDEMEANOR CONVICTIONS WHEN THE ORIGINAL JUDGMENTS HAVE BEEN DESTROYED.

The General Assembly of North Carolina enacts:

Section 1. Chapter 8 of the General Statutes is amended by adding a new section to read as follows:

"§ 8-35.2. *Records of clerk of court criminal index admissible in certain cases.*—Notwithstanding the provisions of G.S. 15A-924(d) or 15A-1340.4(e), certified copies of the records contained in the criminal index or similar records maintained manually or by automatic data processing equipment by the clerk of superior court, are admissible as *prima facie* evidence of any prior convictions of the person named in the records, if the original documents upon which the records are based have been destroyed pursuant to law. The index must contain at least the following information:

1. The case file number;
2. The name, sex, and race of the defendant;
3. His address;
4. His driver's license number, if the conviction is for a motor vehicle offense and the number is available;
5. The date of birth of the defendant, if it is available;

6. The offense for which he was charged and the date of same;
7. The disposition of the charge and the date of same;
8. Whether the defendant was indigent;
9. Whether he was represented by an attorney, and if so, the name of the attorney;
10. Whether the defendant waived his right to an attorney, and
11. The name and address of any victim, if available."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 772 **CHAPTER 607**

AN ACT TO AMEND THE MUNICIPAL AND COUNTY ZONING ENABLING ACTS SO AS TO MAKE CLEAR THE AUTHORITY OF LOCAL GOVERNMENTS TO ESTABLISH OVERLAY DISTRICTS AND SPECIAL USE OR CONDITIONAL USE DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-382 is rewritten to read:

"§ 160A-382. *Districts.*—For any or all these purposes, the city may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this Part; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. Such districts may include, but shall not be limited to, general use districts, in which a variety of uses are permissible in accordance with general standards; overlay districts, in which additional requirements are imposed on certain properties within one or more underlying general or special use districts; and special use districts or conditional use districts, in which uses are permitted only upon the issuance of a special use permit or a conditional use permit. Property may be placed in a special use district or conditional use district only in response to a petition by the owners of all the property to be included. Except as authorized by the foregoing, all regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts."

Sec. 2. G.S. 160A-392 is amended by adding a new paragraph to read as follows:

"Notwithstanding the provisions of any general or local law or ordinance, no land owned by the State of North Carolina may be included within an overlay district or a special use or conditional use district without approval of the Council of State."

Sec. 3. G.S. 153A-342 is amended by rewriting its first paragraph to read:

"A county may divide its territorial jurisdiction into districts of any number, shape, and area that it may consider best suited to carry out the purposes of this Part. Within these districts a county may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Such districts may include, but shall not

be limited to, general use districts, in which a variety of uses are permissible in accordance with general standards; overlay districts, in which additional requirements are imposed on certain properties within one or more underlying general or special use districts; and special use districts or conditional use districts, in which uses are permitted only upon the issuance of a special use permit or a conditional use permit. Property may be placed in a special use district or conditional use district only in response to a petition by the owners of all the property to be included. Except as authorized by the foregoing, all regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts."

Sec. 4. G.S. 153A-347 is amended by adding a new paragraph to read as follows:

"Notwithstanding the provisions of any general or local law or ordinance, no land owned by the State of North Carolina may be included within an overlay district or a special use or conditional use district without approval of the Council of State."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 784 **CHAPTER 608**

AN ACT TO CLARIFY THAT AN EMANCIPATED MINOR MAY MARRY WITHOUT THE WRITTEN CONSENT OF A PARENT OR GUARDIAN AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 51-2(a) is amended by adding a new sentence to the end of the paragraph to read:

"Such written consent shall not be required for an emancipated minor if a certificate of emancipation issued pursuant to Article 56 of Chapter 7A or a certified copy of a final decree or certificate of emancipation from this or any other jurisdiction is filed with the register of deeds."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 788 **CHAPTER 609**

AN ACT TO MAKE VARIOUS AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-599 is amended on line 1 by deleting the language "to 1-599" and inserting in lieu thereof the language "and G.S. 1-598"; and G.S. 1-599 is further amended on line 4 by deleting the language "to 1-599" and inserting in lieu thereof the language "and G.S. 1-598".

Sec. 2. G.S. 9-6(a) is amended on the last line by deleting the language ", or as provided in G.S. 9-6.1".

Sec. 3. G.S. 9-10(b) is amended on line 3 by inserting after the word "to" and before the word "exemption" the words "establish in writing their".

Sec. 4. G.S. 32A-3 is hereby amended by designating the existing provisions as subsection (a) and by adding a new subsection (b) to read as follows: "(b) A power of attorney under the provisions of this Article may refer to Chapter 32B as the same is set out in Chapter 626 of the 1983 Session Laws."; and G.S. 32A-3 is further amended by rewriting the catch line to read as follows: "Provisions not exclusive; Reference to Chapter 32B."

Sec. 5. G.S. 32A-14 is hereby amended by designating the existing provisions as subsection (a) and by adding a new subsection (b) to read as follows: "(b) A power of attorney under the provisions of this Article may refer to Chapter 32B as the same is set out in Chapter 626 of the 1983 Session Laws."; and G.S. 32A-14 is further amended by rewriting the catch line to read as follows: "Powers of attorney executed under the provisions of G.S. 47-115.1; Reference to Chapter 32B."

Sec. 6. G.S. 164-1 is amended on the last line by adding after "G.S." and before the period the language "; or 'N.C. Gen. Stat.'; or 'N.C.G.S.'"

Sec. 7. This act shall become effective upon ratification. Sections 4 and 5 of this act shall apply to powers of attorneys executed on or after October 1, 1983.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 941 **CHAPTER 610**

AN ACT CONCERNING SOLID WASTE FIRMS IN AREAS PROPOSED FOR ANNEXATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-35(3)a. is amended by deleting "garbage", and substituting "solid waste".

Sec. 2. G.S. 160A-47(3)a. is amended by deleting "garbage", and substituting "solid waste".

Sec. 3. Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-37.3. *Contract with private solid waste collection firm(s).*—(a) If the area to be annexed described in a resolution of intent passed under G.S. 160A-37(a) includes an area where a private solid waste collection firm or firms:

(1) on the ninetieth day preceding the date of adoption of the resolution of intent in accordance with G.S. 160A-37(j) or

(2) on the ninetieth day preceding the date of adoption of the resolution of consideration in accordance with G.S. 160A-37(i) was providing solid waste collection services in the area to be annexed, and is still providing such services on the date of adoption of the resolution of intent, and:

(3) by reason of such annexation any franchise with a county or arrangements with third parties for solid waste collection will be terminated, and

(4) during the 90-day period preceding the date of adoption of the resolution of intent or resolution of consideration provided by subdivisions (1) or (2) of this subsection, the firm had in such area an average of fifty or more residential customers or a monthly average revenue from nonresidential customers in such area of five hundred dollars ($500.00) or more; provided that customers shall be included in such calculation only if policies of the city will provide solid waste collection to those customers such that arrangements between the solid waste firm and the customers will be terminated, and

(5) if such firm makes a written request that it wishes to contract, signed by an officer or owner of the firm, and delivered to the city clerk at least 10 days before the public hearing, unless other arrangements satisfactory to the private solid waste collection firm or firms have been made, the city shall either:

(6) contract with such solid waste collection firm(s) for a period of two years after the effective date of the annexation ordinance to allow the solid waste collection firm(s) to provide collection services to the city in the area to be annexed for sums determined under subsection (d) of this section, or

(7) pay to the solid waste collection firm(s) in lieu of a contract a sum equal to the economic loss determined under subsection (f) of this section.

(b) The city shall make a good faith effort to provide at least 20 days before the public hearing a copy of the resolution of intent to each private firm providing solid waste collection services in the area to be annexed.

(c) The city may require that the contract contain:

(1) a requirement that the private firm post a performance bond and maintain public liability insurance coverage;

(2) a requirement that the private firm agree to service customers in the annexed area that were not served by that firm on the effective date of annexation;

(3) a provision that divides the annexed area into service areas if there were more than one firm being contracted within the area, such that the entire area is served by the private firms, or by the city as to customers not served by the private firms;

(4) a provision that the city may serve customers not served by the firm on the effective date of annexation;

(5) a provision that the contract can be cancelled for substantial violations of the contract, but no contract may be cancelled on these grounds unless the Local Government Commission finds that substantial violations have occurred, except that the city may suspend the contract for up to 30 days if it finds substantial violation of health laws;

(6) performance standards, not exceeding city standards, with provision that the contract may be cancelled for substantial violations of those standards, but no contract may be cancelled

on those grounds unless the Local Government Commission finds that substantial violations have occurred;

(7) a provision for monetary damages if there are violations of the contract or of performance standards.

(d) If the services to be provided to the city by reason of the annexation are substantially the same as rendered under the franchise with the county or arrangements with the parties, the amount paid by the city shall be at least ninety percent (90%) of the amount paid or required under the existing franchise or arrangements. If such services are required to be adjusted to conform to city standards or as a result of changes in the number of customers, and as a result there are changes in disposal costs (including mileage and landfill charges), requirements for storage capacity (dumpsters and/or residential carts), and/or frequency of collection, the amount paid by the city for the service shall be increased or decreased to reflect the value of such adjusted services as if computed under the existing franchise or arrangements. In the event agreement cannot be reached between the city and the private firm under this subsection, such matters shall be determined by the Local Government Commission.

(e) The city may, at any time after one year's operation thereunder, terminate a contract made with the solid waste collection firm under subsection (a) of this section upon payment to said firm of an amount equal to the economic loss determined in subsection (f) of this section, but discounted by the percentage of the contract which has elapsed prior to the effective date of the termination.

(f) As used in this section, 'economic loss' is 12 times the average monthly revenue for the three months prior to the passage of the resolution of intent or resolution of consideration, as applicable under subsection (a) of this section, collected or due the private firm for residential, commercial, and industrial collection service in the area annexed or to be annexed.

(g) If the city fails to offer a contract to the private firm within 30 days following the passage of an annexation ordinance, the private firm may appeal to the Local Government Commission. The private firm may appeal to the Local Government Commission for an order staying the operation of the annexation ordinance pending the outcome of the review. The Commission may grant or deny the stay upon such terms as it deems proper. If the Local Government Commission finds that the city has not made an offer which complies with this section, it shall remand the ordinance to the municipal governing board for further proceedings, and the ordinance shall not become effective until the Local Government Commission finds that such an offer has been made. Either the private firm or the city may obtain judicial review in accordance with Chapter 150A of the General Statutes.

(h) A firm which has given notice under subsection (a) of this section that it desires to contract, and any firm that the city believes is eligible to give such notice, shall make available to the city not later than five days following a written request of the city all information in its possession or control, including but not limited to operational, financial and budgetary information, necessary for the city to determine if the firm

qualifies for the benefits of this section and to determine the nature and scope of the potential contract and/or economic loss."

Sec. 4. Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-49.3. *Contract with private solid waste collection firm(s).*—(a) If the area to be annexed described in a resolution of intent passed under G.S. 160A-49(a) includes an area where a private solid waste collection firm or firms:

(1) on the ninetieth day preceding the date of adoption of the resolution of intent in accordance with G.S. 160A-49(j) or

(2) on the ninetieth day preceding the date of adoption of the resolution of consideration in accordance with G.S. 160A-49(i)

was providing solid waste collection services in the area to be annexed, and is still providing such services on the date of adoption of the resolution of intent, and:

(3) by reason of such annexation any franchise with a county or arrangements with third parties for solid waste collection will be terminated, and

(4) during the 90 day period preceding the date of adoption of the resolution of intent or resolution of consideration provided by subdivisions (1) or (2) of this subsection, the firm had in such area an average of fifty or more residential customers or a monthly average revenue from nonresidential customers in such area of five hundred dollars ($500.00) or more; provided that customers shall be included in such calculation only if policies of the city will provide solid waste collection to those customers such that arrangements between the solid waste firm and the customers will be terminated, and

(5) if such firm makes a written request that it wishes to contract, signed by an officer or owner of the firm, and delivered to the city clerk at least 10 days before the public hearing,

unless other arrangements satisfactory to the private solid waste collection firm or firms have been made, the city shall either:

(6) contract with such solid waste collection firm(s) for a period of two years after the effective date of the annexation ordinance to allow the solid waste collection firm(s) to provide collection services to the city in the area to be annexed for sums determined under subsection (d) of this section, or

(7) pay to the solid waste collection firm(s) in lieu of a contract a sum equal to the economic loss determined under subsection (f) of this section.

(b) The city shall make a good faith effort to provide at least 20 days before the public hearing a copy of the resolution of intent to each private firm providing solid waste collection services in the area to be annexed.

(c) The city may require that the contract contain:

(1) a requirement that the private firm post a performance bond and maintain public liability insurance coverage;

(2) a requirement that the private firm agree to service customers in the annexed area that were not served by that firm on the effective date of annexation;

(3) a provision that divides the annexed area into service areas if there were more than one firm being contracted within the area, such that the entire area is served by the private firms, or by the city as to customers not served by the private firms;

(4) a provision that the city may serve customers not served by the firm on the effective date of annexation;

(5) a provision that the contract can be cancelled for substantial violations of the contract, but no contract may be cancelled on these grounds unless the Local Government Commission finds that substantial violations have occurred, except that the city may suspend the contract for up to 30 days if it finds substantial violation of health laws;

(6) performance standards, not exceeding city standards, with provision that the contract may be cancelled for substantial violations of those standards, but no contract may be cancelled on those grounds unless the Local Government Commission finds that substantial violations have occurred;

(7) a provision for monetary damages if there are violations of the contract or of performance standards.

(d) If the services to be provided to the city by reason of the annexation are substantially the same as rendered under the franchise with the county or arrangements with the parties, the amount paid by the city shall be at least ninety percent (90%) of the amount paid or required under the existing franchise or arrangements. If such services are required to be adjusted to conform to city standards or as a result of changes in the number of customers and as a result there are changes in disposal costs (including mileage and landfill charges), requirements for storage capacity (dumpsters and/or residential carts), and/or frequency of collection, the amount paid by the city for the service shall be increased or decreased to reflect the value of such adjusted services as if computed under the existing franchise or arrangements. In the event agreement cannot be reached between the city and the private firm under this subsection, such matters shall be determined by the Local Government Commission.

(e) The city may, at any time after one year's operation thereunder, terminate a contract made with the solid waste collection firm under subsection (a) of this section upon payment to said firm of an amount equal to the economic loss determined in subsection (f) of this section, but discounted by the percentage of the contract which has elapsed prior to the effective date of the termination.

(f) As used in this section, 'economic loss' is 12 times the average monthly revenue for the three months prior to the passage of the resolution of intent or resolution of consideration, as applicable under subsection (a) of this section, collected or due the private firm for residential, commercial, and industrial collection service in the area annexed or to be annexed.

(g) If the city fails to offer a contract to the private firm within 30 days following the passage of an annexation ordinance, the private firm may appeal to the Local Government Commission. The private firm may appeal to the Local Government Commission for an order staying the

operation of the annexation ordinance pending the outcome of the review. The Commission may grant or deny the stay upon such terms as it deems proper. If the Local Government Commission finds that the city has not made an offer which complies with this section, it shall remand the ordinance to the municipal governing board for further proceedings, and the ordinance shall not become effective until the Local Government Commission finds that such an offer has been made. Either the private firm or the city may obtain judicial review in accordance with Chapter 150A of the General Statutes.

(h) A firm which has given notice under subsection (a) of this section that it desires to contract, and any firm that the city believes is eligible to give such notice, shall make available to the city not later than five days following a written request of the city all information in its possession or control, including but not limited to operational, financial and budgetary information, necessary for the city to determine if the firm qualifies for the benefits of this section and to determine the nature and scope of the potential contract and/or economic loss."

Sec. 5. G.S. 160A-35(3)a. is amended by adding the following at the end: "A contract with a private firm to provide garbage collection services shall be an acceptable method of providing solid waste collection services."

Sec. 6. G.S. 160A-47(3)a. is amended by adding the following at the end: "A contract with a private firm to provide garbage collection services shall be an acceptable method of providing solid waste collection services."

Sec. 7. The last sentence of G.S. 160A-35(3)a. and the last sentence of G.S. 160A-47(3)a., as added by Sections 5 and 6 of this act, are amended by deleting "garbage", and substituting "solid waste".

Sec. 8. This act applies to all annexations where a resolution of intent under Parts 2 or 3 of Article 4A of Chapter 160A of the General Statutes is adopted on or after September 1, 1985, except that Sections 5 and 6 are effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 1106 **CHAPTER 611**

AN ACT TO PROVIDE GOOD SAMARITAN PROTECTION TO MEMBERS OF VOLUNTEER FIRE DEPARTMENTS OR RESCUE SQUADS WHO RECEIVE NO COMPENSATION FOR THEIR SERVICES AS FIRE FIGHTERS OR EMERGENCY MEDICAL CARE PROVIDERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 69-39.1 of the General Statutes is amended by adding a new subsection to the end to read:

"(c) Any member of a volunteer fire department or rescue squad who receives no compensation for his services as a fire fighter or emergency medical care provider, who renders first aid or emergency health care treatment at the scene of a fire to a person who is unconscious, ill, or injured as a result of the fire shall not be liable in civil damages for any acts or omissions relating to such services rendered, unless such acts or

omissions amount to gross negligence, wanton conduct or intentional wrongdoing."

Sec. 2. G.S. 90-21.14(a) of the General Statutes is amended in the first sentence by inserting between the words "Any person" and "who renders" a new phrase to read:

", including a volunteer member of a rescue squad who receives no compensation for his services as an emergency medical care provider,".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 1207 **CHAPTER 612**

AN ACT TO ALLOW A LANDLORD TO DELIVER PROPERTY ABANDONED BY A TENANT TO A NONPROFIT ORGANIZATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 42-25.9 is amended by adding a new subsection (d) to read as follows:

"(d) If any tenant abandons personal property of five hundred dollar ($500.00) value or less in the demised premises, or fails to remove such property at the time of execution of a writ of possession in an action for summary ejectment, the landlord may, as an alternative to the procedures provided in G.S. 42-36.2 or G.S. 44A-2(e), deliver the property into the custody of a nonprofit organization regularly providing free or at a nominal price clothing and household furnishings to people in need, upon that organization agreeing to identify and separately store the property for 30 days and to release the property to the tenant at no charge within the 30-day period. A landlord electing to use this procedure shall immediately post at the demised premises a notice containing the name and address of the property recipient, post the same notice for 30 days or more at the place where rent is received, and send the same notice by first class mail to the tenant at the tenant's last known address. Provided, however, that the notice shall not include a description of the property."

Sec. 2. G.S. 42-25.9 is further amended by adding a new subsection (e) to read as follows:

"(e) For purposes of subsection (d), personal property shall be deemed abandoned if the landlord finds evidence that clearly shows the premises has been voluntarily vacated after the paid rental period has expired and the landlord has no notice of a disability that caused the vacancy. A presumption of abandonment shall arise 10 or more days after the landlord has posted conspicuously a notice of suspected abandonment both inside and outside the premises and has received no response from the tenant."

Sec. 3. G.S. 42-25.9 is further amended by adding a new subsection (f) to read as follows:

"(f) Any nonprofit organization agreeing to receive personal property under subsection (d) shall not be liable to the owner for a disposition of such property provided that the property has been separately identified and stored for release to the owner for a period of 30 days."

Sec. 4. G.S. 42-25.9(b) is amended by adding on line 4 after "44A-2(e)" the words "or 42-25.9(d)".

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 1282 **CHAPTER 613**

AN ACT TO AMEND ARTICLE 17B OF CHAPTER 58 OF THE GENERAL STATUTES SO AS TO CLARIFY AND REFORM THE LAWS PERTAINING TO THE NORTH CAROLINA INSURANCE GUARANTY ASSOCIATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-155.45(4) is amended in the second line by inserting between the word "which" and the word "arises" the phrase "is in excess of fifty dollars ($50.00) and".

Sec. 2. G.S. 58-155.45(5) is amended by inserting before the word "authorized" the words "licensed and".

Sec. 3. G.S. 58-155.45 is amended by adding a new subsection to read:

"(9) 'Policyholder' means the person to whom an insurance policy to which this Article applies was issued by an insurer which has become an insolvent insurer."

Sec. 4. G.S. 58-155.46 is amended by adding the following sentence to the end:

"Each person becoming a member insurer after October 1, 1985, shall pay to the Association upon demand a nonrefundable initial membership fee of fifty dollars ($50.00)."

Sec. 5. G.S. 58-155.48(a)(1) is amended by deleting the phrase from the seventh and eighth lines that reads "is in excess of one hundred dollars ($100.00) and".

Sec. 6. G.S. 58-155.48(a)(2) is amended by substituting the words "the Association's" for the word "its".

Sec. 7. G.S. 58-155.52(b) is amended by substituting the word "policyholder" for the word "insured".

Sec. 8. G.S. 58-155.52 is amended by adding the following subsections:

"(c) No claim held by an insurer, reinsurer, insurance pool, or underwriting association, based on an assignment or on rights of subrogation, may be asserted in any legal action against a person insured under a policy issued by an insolvent insurer except to the extent the amount of such claim exceeds the obligation of the Association under G.S. 58-155.48(a)(1).

(d) Any person that has liquidated by settlement or judgment a claim against an insured under a policy issued by an insolvent insurer, which claim is a covered claim and is also a claim within the coverage of any policy issued by a solvent insurer, shall be required to exhaust first his rights under such policy issued by the solvent insurer before execution, levy, or any other proceedings are commenced to enforce any judgment

obtained against or the settlement with the insured of the insolvent insurer."

Sec. 9. Article 17B of Chapter 58 of the North Carolina General Statutes is amended by adding a new section to read:

"§ 58-155.61. *Statute of repose; guardians ad litem; notice.*—(a) Notwithstanding any other provision of law, a covered claim with respect to which settlement is not effected with the Association, or suit is not instituted against the insured of an insolvent insurer or the Association, within five years after the date of entry of the order by a court of competent jurisdiction determining the insurer to be insolvent, shall thenceforth be barred forever as a claim against the Association.

(b) As to any person under a disability described in G.S. 1-17, the Association may not invoke the bar of the period of repose provided in subsection (a) of this section unless the Association has petitioned for the appointment of a guardian *ad litem* for such person and the disposition of that petition has become final. If a guardian *ad litem* is appointed pursuant to this subsection more than four years after the date of entry of the order by a court of competent jurisdiction determining the insurer to be insolvent, the period of repose under subsection (a) of this section shall be extended for such person one year after the date of the appointment.

(c) Within six months after the Association has been activated as to an insolvent insurer, the Commissioner may request that the Association submit an amendment to the plan of operation in accordance with G.S. 58-155.49, which amendment shall be applicable only to that insolvent insurer and shall prescribe a fair, reasonable, and equitable procedure for notice to insureds and to the public."

Sec. 10. G.S. 58-155.60 is amended in the fourth and fifth lines of the third paragraph by substituting "the total amount of the claims against the insolvent insurer that are not covered claims under this Article solely by reason that the amount of the claim is fifty dollars ($50.00) or less" for "an amount computed by adding the lesser of the amount of the covered claim or one hundred dollars ($100.00) for each covered claim".

Sec. 11. In the event any section, subsection, sentence, clause or phrase of this act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this act, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional was not originally a part hereof.

Sec. 12. This act is effective upon ratification, and shall apply to all covered claims existing as of that date or arising thereafter, to the extent allowed by law.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 1404 **CHAPTER 614**

AN ACT TO PROVIDE FOR THE EMPLOYMENT OF PROBATIONARY TEACHERS BY THE WESTERN ROCKINGHAM CITY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 931 of the 1983 Session Laws (Regular Session 1984) is amended by inserting the following new Section 4.1:

"Sec. 4.1. Effective July 1, 1985, the Western Rockingham City Board of Education may employ, if it determines it appropriate to do so, any probationary teacher (as that term is defined in G.S. 115C-325(a)(5)) employed by the Rockingham County Board of Education and assigned exclusively to a school within the Stoneville School Attendance District for the 1984-85 school year who has not been dismissed or demoted pursuant to G.S. 115C-325 and who desires to become an employee of the Western Rockingham City Board of Education. Any such probationary teacher so employed by the Western Rockingham City Board of Education shall be subject to all employment rules, regulations, policies, procedures, and benefits applicable to probationary teachers presently employed by the Western Rockingham City Board of Education and such probationary teacher's years of employment by the Rockingham County Board of Education shall be included in determining whether such teacher is eligible for election to career status pursuant to G.S. 115C-325(c)(1)."

Sec. 2. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.B. 284 **CHAPTER 615**

AN ACT TO ESTABLISH THE LEGAL LEVEL OF IMPAIRMENT FOR BOAT OPERATORS AND TO REDUCE LITTER ON THE STATE'S WATERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 75A-10(a) is amended by inserting immediately after the phrase "similar device" the phrase "on the waters of this State".

Sec. 2. G.S. 75A-10(b) is rewritten to read:

"(b) No person shall manipulate any water skis, surfboard, nonmotorized vessel, or similar device on the waters of this State while under the influence of an impairing substance."

Sec. 3. G.S. 75A-10 is amended by adding a new subsection to read:

"(b1) No person shall operate any motorboat or motor vessel while underway on the waters of this State:

(1) While under the influence of an impairing substance, or

(2) After having consumed sufficient alcohol that he has, at any relevant time after the boating, an alcohol concentration of 0.10 or more.

The fact that a person charged with violating this subsection is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this subsection or subsection (b) above.

The relevant definitions contained in G.S. 20-4.01 shall apply to this subsection and subsection (b) above."

Sec. 4. G.S. 75A-10(c) is amended by inserting between the words "discharged" and "into" the phrase "on the waters of this State or".

Sec. 5. G.S. 75A-10(c) is amended by deleting the second paragraph.

Sec. 6. G.S. 75A-18(a) is amended by deleting the first sentence and substituting the following:

"(a) Except as otherwise provided, any person who violates any provision of this Article or who violates any rule or regulation adopted under authority of this Chapter shall be guilty of a misdemeanor and shall be subject to a fine not to exceed two hundred and fifty dollars ($250.00) for each such violation."

Sec. 7. G.S. 75A-18(b) is amended in the first sentence by inserting immediately after the letter "(b)" the phrase ", or (b1)".

Sec. 8. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 455 **CHAPTER 616**

AN ACT TO PREVENT DOUBLE RECOVERY OF WORKERS' COMPENSATION AND UNEMPLOYMENT BENEFITS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 97 of the North Carolina General Statutes is hereby amended by adding a new section following G.S. 97-42 to be designated G.S. 97-42.1 as follows:

"§ 97-42.1. *Credit for unemployment benefits.*—If an injured employee has received unemployment benefits under the Employment Security Law for any week with respect to which he is entitled to workers' compensation benefits for temporary total or permanent and total disability, the employment benefits paid for such weeks may be deducted from the award to be paid as compensation. If an injured employee has received unemployment benefits for any week with respect to which he is entitled to workers' compensation benefits for partial disability as provided in G.S. 97-30, the unemployment benefits paid for such weeks may be deducted from the award to be paid only to the extent that the sum of the unemployment benefits and workers' compensation payable for such week exceeds two-thirds of the injured employee's average weekly wages as determined by the Commission in accordance with G.S. 97-2(5). Benefits payable under G.S. 97-31 for permanent partial disability or other permanent injury shall not be subject to reduction because of the receipt of unemployment benefits."

Sec. 2. Chapter 96 of the North Carolina General Statutes is hereby amended by adding a new sentence following G.S. 96-13(a)(4) to read:

"Provided that if compensation is denied to any individual for any week under the foregoing sentence and such individual is later determined not

to be totally disabled, such individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and for which the compensation was denied solely by reason of the foregoing sentence."

Sec. 3. This act is effective upon ratification and Section 1 shall apply to injuries sustained after the date of ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 680 **CHAPTER 617**

AN ACT TO AMEND THE STATE PERSONNEL ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-5 is rewritten to read:

"§ 126-5. *Employees subject to Chapter; exemptions.*—(a) The provisions of this Chapter shall apply to all State employees not herein exempt, and to employees of local social services departments, public health departments, mental health clinics, and local civil defense agencies that receive federal grant-in-aid funds; and the provisions of this Chapter may apply to such other county employees as the several boards of county commissioners may from time to time determine.

(b) As used in this section, 'policymaking position' means a position delegated with the authority to impose the final decision as to a settled course of action to be followed within a department, agency, or division.

(c) Except as to the policies, rules, and plans established by the Commission pursuant to G.S. 126-4(1), 126-4(2), 126-4(3), 126-4(4), 126-4(5), 126-4(6), and 126-7, and except as to the provisions of Article 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

(1) An employee of the State of North Carolina who:
   (a) is in a grade 60 or lower position and has not been continuously employed by the State of North Carolina for the immediate 12 preceding months;
   (b) is in a grade 61 to grade 65 position and has not been continuously employed by the State of North Carolina for the immediate 36 preceding months;
   (c) is in a grade 66 to grade 70 position and has not been continuously employed by the State of North Carolina for the immediate 48 preceding months; or
   (d) is in a grade 71 or higher position and has not been continuously employed by the State of North Carolina for the immediate 60 preceding months.

(2) One confidential assistant and two confidential secretaries for each elected or appointed department head and one confidential secretary for each chief deputy or chief administrative assistant.

(3) Employees in policymaking positions designated as exempt pursuant to G.S. 126-5(d).

(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

(1) Constitutional officers of the State.

(2) Officers and employees of the Judicial Department.
(3) Officers and employees of the General Assembly.
(4) Members of boards, committees, commissions, councils, and advisory councils compensated on a per diem basis.
(5) Officials or employees whose salaries are fixed by the General Assembly, or by the Governor, or by the Governor and Council of State, or by the Governor subject to the approval of the Council of State or consultation with the Advisory Budget Commission.
(6) Employees of the Office of the Governor that the Governor, at any time, in his discretion, exempts from the application of the provisions of this Chapter by means of a letter to the State Personnel Director designating these employees.
(7) Employees of the Office of the Lieutenant Governor, that the Lieutenant Governor, at any time, in his discretion, exempts from the application of the provisions of this Chapter by means of a letter to the State Personnel Director designating these employees.
(8) Instructional and research staff, physicians, and dentists of The University of North Carolina.
(9) Employees whose salaries are fixed under the authority vested in the Board of Governors of The University of North Carolina by the provisions of G.S. 116-11(4), 116-1(5), and 116-14.
(10) Employees of community colleges whose salaries are fixed in accordance with the provisions of G.S. 115D-5 and G.S. 115D-20.

(c2) The provisions of this Chapter shall not apply to:
(1) Public school superintendents, principals, teachers, and other public school employees.
(2) The chief deputy or chief administrative assistant to the head of each State department who is designated either by statute or by the department head to act for and perform all of the duties of such department head during his absence or incapacity.

(d)(1) General. The Governor may designate as exempt policymaking positions, as provided below, in each of the following departments:
(1) Department of Administration;
(2) Department of Commerce;
(3) Department of Correction;
(4) Department of Crime Control and Public Safety;
(5) Department of Cultural Resources;
(6) Department of Human Resources;
(7) Department of Natural Resources and Community Development;
(8) Department of Revenue; and
(9) Department of Transportation.

The Secretary of State, the Auditor, the Treasurer, the Attorney General, the Superintendent of Public Instruction, the Commissioner of Agriculture, the Commissioner of Insurance, and the Labor Commissioner may designate as exempt policymaking positions, as provided below, in their respective offices.

(2) Number. The number of policymaking positions designated as exempt in each department or office listed in subsection (d) (1), except the Department of Commerce, shall be limited to one and two-tenths percent

(1.2%) of the number of full-time positions in the department or office, or 30 positions, whichever is greater. The Governor may designate 85 policymaking positions as exempt in the Department of Commerce. Provided, however, that the Governor or elected department head may request that additional policymaking positions be designated as exempt. The request shall be made by sending a list of policymaking positions that exceed the limit imposed by this subsection to the Speaker of the North Carolina House of Representatives and the President of the North Carolina Senate. A copy of the list also shall be sent to the State Personnel Director. The General Assembly may authorize all, or part of, the additional policymaking positions to be designated as exempt. If the General Assembly is in session when the list is submitted and does not act within 30 days after the list is submitted, the list shall be deemed approved by the General Assembly, and the policymaking positions shall be designated as exempt. If the General Assembly is not in session when the list is submitted, the 30-day period shall not begin to run until the next date that the General Assembly convenes or reconvenes, other than for a special session called for a specific purpose not involving the approval of the list of additional positions to be designated as exempt; the policymaking positions shall not be designated as exempt during the interim.

(3) Letter. These positions shall be designated in a letter to the State Personnel Director, the Speaker of the House of Representatives, and the President of the Senate by May 1 of the year in which the oath of office is administered to each Governor unless the provisions of subsection (d) (4) apply.

(4) Vacancies. In the event of a vacancy in the Office of Governor or in the office of a member of the Council of State, the person who succeeds to or is appointed or elected to fill the unexpired term shall make such designations in a letter to the State Personnel Director, the Speaker of the House of Representatives, and the President of the Senate within 120 days after the oath of office is administered to that person.

(5) Creation, Transfer, or Reorganization. The Governor or elected department head may designate as exempt a policymaking position that is created or transferred to a different department, or is located in a department in which reorganization has occurred, after May 1 of the year in which the oath of office is administered to the Governor. The designation must be made in a letter to the State Personnel Director, the Speaker of the North Carolina House of Representatives, and the President of the North Carolina Senate within 120 days after such position is created, transferred, or in which reorganization has occurred.

(6) Reversal. Subsequent to the designation of a policymaking position as exempt as hereinabove provided, the status of the position may be reversed and made subject to the provisions of this Chapter by the Governor or by an elected department head in a letter to the State Personnel Director, the Speaker of the North Carolina House of Representatives, and the President of the North Carolina Senate.

(7) Hearing Officers. Except as otherwise specifically provided by this section, no employee, by whatever title, whose primary duties include the

power to conduct hearings, take evidence, and enter a decision based on findings of fact and conclusions of law based on statutes and legal precedents shall be designated as exempt. This subdivision shall apply beginning July 1, 1985, and no list submitted after that date shall designate as exempt any employee described in this subdivision.

(e) An exempt employee may be transferred, demoted, or separated from his position by the department head authorized to designate the exempt position, except:

(1) When an employee who has the minimum service requirements described in subsection (c) (1) above but less than 10 years of cumulative service in subject positions prior to placement in an exempt position is removed from an exempt position, for reasons other than just cause, the employee shall have priority to any position that becomes available for which the employee is qualified, according to rules and regulations regulating and defining priority as promulgated by the State Personnel Commission; or

(2) When an employee who has 10 years or more cumulative service, including the immediately preceding 12 months, in subject positions prior to placement in an exempt position is removed from an exempt position, for reasons other than just cause, the employee shall be reassigned to a subject position within the same department or agency, or if necessary within another agency, and within a 35 mile radius of the exempt position, at the same grade and step as his most recent subject position.

This subsection shall apply to employees removed from exempt positions after July 1, 1985.

(f) A department head is authorized to use existing budgeted positions within his department in order to carry out the provisions of subsection (e) of this section. If it is necessary to meet the requirements of subsection (e) of this section, a department head may use salary reserve funds authorized for his department.

(g) No employee shall be placed in an exempt position without 10 working days prior written notification that such position is so designated. A person applying for a position that is designated as exempt must be notified in writing at the time he makes the application that the position is designated as exempt.

(h) In case of dispute as to whether an employee is subject to the provisions of this Chapter, the question shall be investigated by the State Personnel Office and decided by the State Personnel Commission."

Sec. 2. G.S. 126-4 is amended by adding a new subdivision to read:

"(14) The implementation of G.S. 126-5(e)."

Sec. 3. G.S. 126-4 is amended in the last paragraph by deleting the language "employee who has not been continuously employed by the State of North Carolina for the immediate five preceding years.", and substituting:

"(1) employee in a grade 60 or lower position who has not been continuously employed by the State of North Carolina for the immediate 12 preceding months;

(2) employee in a grade 61 to grade 65 position who has not been continuously employed by the State of North Carolina for the immediate 36 preceding months;
(3) employee in a grade 66 to grade 70 position who has not been continuously employed by the State of North Carolina for the immediate 48 preceding months; or
(4) employee in a grade 71 or higher position who has not been continuously employed by the State of North Carolina for the immediate 60 preceding months."

Sec. 4. G.S. 126-39 is amended by deleting the language "who has been continuously employed by the State of North Carolina for five years" and substituting:

"(1) in a grade 60 or lower position who has not been continuously employed by the State of North Carolina for the immediate 12 preceding months;
(2) in a grade 61 to grade 65 position who has not been continuously employed by the State of North Carolina for the immediate 36 preceding months;
(3) in a grade 66 to grade 70 position who has not been continuously employed by the State of North Carolina for the immediate 48 preceding months; or
(4) in a grade 71 or higher position who has not been continuously employed by the State of North Carolina for the immediate 60 preceding months".

Sec. 5. G.S. 126-13 is amended by designating the present provision as subsection "(a)" and adding a new subsection "(b)" to read:

"(b) No head of any State department, agency, or institution or other State employee exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any State employee as an individual to engage in political activity while not on duty or at times during which he is not performing services for which he receives compensation from the State. A State employee who is or may be expected to perform his duties on a twenty-four hour per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when he is actually performing the duties of his office. The willful violation of this subdivision shall be a misdemeanor."

Sec. 6. This act is effective upon ratification. Except as otherwise provided in this act, application of this act shall be prospective only.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 755 **CHAPTER 618**

AN ACT TO MAKE CERTAIN AMENDMENTS TO THE POWER OF ATTORNEY STATUTES CONTAINED IN CHAPTER 32A OF THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 32A-1 is amended by revising the form set out therein to read as follows:

"NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE DEFINED IN CHAPTER 32A OF THE NORTH CAROLINA GENERAL STATUTES WHICH EXPRESSLY PERMITS THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY DESIRED BY THE PARTIES CONCERNED.

State of _____.
County of _____.

I _____, the undersigned, hereby appoint _____ my attorney-in-fact for me and give such person full power to act in my name, place and stead in any way which I myself could do if I were personally present with respect to the following matters as each of them is defined in Chapter 32A of the North Carolina General Statutes to the extent that I am permitted by law to act through an agent. (DIRECTIONS: Initial the line opposite any one or more of the subdivisions as to which the principal desires to give the attorney-in-fact authority.)

(1) Real property transactions; ..... _____
(2) Personal property transactions; ..... _____
(3) Bond, share and commodity transactions; ..... _____
(4) Banking transactions; ..... _____
(5) Safe deposits; ..... _____
(6) Business operating transactions; ..... _____
(7) Insurance transactions; ..... _____
(8) Estate transactions; ..... _____
(9) Personal relationships and affairs; ..... _____
(10) Social security and unemployment; ..... _____
(11) Benefits from military service; ..... _____
(12) Tax ..... _____
(13) Employment of agents ..... _____

(If power of substitution and revocation is to be given, add: 'I also give to such person full power to appoint another to act as my attorney-in-fact and full power to revoke such appointment.')

(If period of power of attorney is to be limited, add: 'This power terminates _____, 19____.')

(If power of attorney is to be a durable power of attorney under the provision of Article 2 of Chapter 32A and is to continue in effect after the incapacity or mental incompetence of the principal, add: 'This power of attorney shall not be affected by my subsequent incapacity or mental incompetence.')

(If power of attorney is to take effect only after the incapacity or mental incompetence of the principal, add: 'This power of attorney shall become effective after I become incapacitated or mentally incompetent.')

Dated _____, 19____

_____(Seal)
Signature

STATE OF _____ COUNTY OF _____

On this _____ day of _____, _____, personally appeared before me, the said named _____ to me known and known to me to be the person described in and who executed the foregoing instrument and he (or she) acknowledged that he (or she) executed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

My Commission Expires _____

_____
(Signature of Notary Public)
Notary Public (Official Seal)"

Sec. 2. G.S. 32A-2 is amended as follows:

a. G.S. 32A-2(2) is amended on line 9 by deleting the language ", mortgages, subject to deeds of trust," and inserting in lieu thereof the language "and mortgages,"; and is further amended on line 11 by deleting the words "real or" after the word "any".

b. G.S. 32A-2(10) is rewritten to read:

"(10) Social Security and Unemployment. To prepare, execute and file all social security, unemployment insurance and information returns required by the laws of the United States, or of any state or subdivision thereof, or of any foreign government."

c. A new G.S. 32A-2(12) and (13) are added to read:

"(12) Tax. To prepare, execute, verify and file in the name of the principal and on behalf of the principal any and all types of tax returns, amended returns, declaration of estimated tax, report, protest, application for correction of assessed valuation of real or other property, appeal, brief, claim for refund, or petition, including petition to the Tax Court of the United States, in connection with any tax imposed or proposed to be imposed by any government, or claimed, levied or assessed by any government, and to pay any such tax and to obtain any extension of time for any of the foregoing; to execute waivers or consents agreeing to a later determination and assessment of taxes than is provided by any statute of limitations; to execute waivers of restriction on the assessment and collection of deficiency in any tax; to execute closing agreements and all other documents, instruments and papers relating to any tax liability of any sort; to institute and carry on through counsel any proceeding in connection with determining or contesting any such tax or to recover any tax paid or to resist any claim for additional tax on any proposed assessment or levy thereof; and to enter into any agreements or stipulations for compromise or other adjustments or disposition of any tax.

(13) Employment of Agents. To employ agents such as legal counsel, accountants or other professional representation as may be appropriate and to grant such agents such powers of attorney or other appropriate

authorization as may be required in connection with such representation or by the Internal Revenue Service or other governmental authority."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 791 **CHAPTER 619**

AN ACT TO ELIMINATE CONFLICT IN THE STATUTES CONCERNING VACANCIES IN MUNICIPAL AND SPECIAL DISTRICT ELECTIVE OFFICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-294.1(d) is rewritten to read as follows:

"(d) A vacancy that occurs in a municipal or special district elective office shall be filled by the governing body as provided in G.S. 160A-63. In the case of a special district, the words 'city council,' as used in G.S. 160A-63, shall mean the governing body of the special district."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 805 **CHAPTER 620**

AN ACT TO AMEND THE UNIFORM BOILER AND PRESSURE VESSEL ACT TO RESTORE THE AUTHORITY OF THE COMMISSIONER OF LABOR TO REGULATE CERTAIN HYDROPNEUMATIC PRESSURE VESSELS AND TO MAKE OTHER AMENDMENTS TO THE ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-69.10(a) is amended by deleting the word "and" where it appears immediately before the phrase "other public buildings", and by inserting the phrase ", and water supplies" between the phrase "other public buildings" and the period.

Sec. 2. G.S. 95-69.10(b)(12) is repealed.

Sec. 3. G.S. 95-69.11(1) is amended by placing the phrase ", including, where necessary, requirements for fencing to prevent unauthorized persons from coming in contact with boilers and pressure vessels or the systems they are connected to" between the word "vessels" and the semicolon.

Sec. 4. G.S. 95-69.14 is amended by inserting the following sentence at the end of the first paragraph: "The rules and regulations will conform as nearly as possible to the standards of the American Society of Mechanical Engineers and amendments and interpretations thereto, but to avoid unnecessary hardships that would result from requiring replacement of existing non-code tanks that meet minimum safety requirements where there is no danger to persons, such rules and regulations shall vary for hydropneumatic pressure vessels installed or operated by a community water system prior to January 1, 1986."

Sec. 5. G.S. 95-69.13(b)(1) is amended by deleting the phrase "boiler code" and substituting the word "standards".

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 1065 CHAPTER 621

AN ACT TO TREAT JUDGES LIKE OTHER MEMBERS OF THE LEGAL PROFESSION.

The General Assembly of North Carolina enacts:

Section 1. The third paragraph of G.S. 84-16 is amended by deleting the phrase "judges and justices of the General Court of Justice and".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 1163 CHAPTER 622

AN ACT TO EMPOWER THE NORTH CAROLINA BUILDING CODE COUNCIL TO ADOPT EFFICIENCY STANDARDS FOR REPLACEMENT WATER HEATERS.

The General Assembly of North Carolina enacts:

Section 1. The General Assembly finds that the public welfare is served by energy efficiency standards in the North Carolina State Building Code for heating, air conditioning, and plumbing equipment.

Sec. 2. G.S. 143-138(b) is amended by adding a ninth paragraph to read:

"In addition, the Code may contain regulations concerning minimum efficiency requirements for replacement water heaters, which shall consider reasonable availability from manufacturers to meet installation space requirements."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 1258 **CHAPTER 623**

AN ACT TO PERMIT QUALIFIED SURETY COMPANIES TO GUARANTEE ARREST BOND CERTIFICATES OFFERED BY AUTOMOBILE CLUBS AND ASSOCIATIONS; REQUIRING THE ACCEPTANCE OF THOSE GUARANTEED ARREST BOND CERTIFICATES IN THE EVENT OF VIOLATION OF CERTAIN MOTOR VEHICLE LAWS; AND TO PROVIDE FOR THE FORFEITURE OF THE GUARANTEED ARREST BOND CERTIFICATES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 109 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 6.
"Guaranteed Arrest Bond Certificates of Automobile Clubs and Associations in Lieu of Bond.

"§ 109-40. *Authority for qualified surety companies to guarantee certain arrest bond certificates.*—(a) Any domestic or foreign surety company which has qualified to transact business in this State may become a surety, by filing with the North Carolina Department of Insurance an undertaking to become surety, in an amount not to exceed five hundred dollars ($500.00) with respect to each guaranteed arrest bond certificate issued by an automobile club or association.

(b) The undertaking shall be in a form to be prescribed by the Department of Insurance and shall state:

(1) The name and address of the automobile club or clubs or automobile association or associations with respect to which the surety company undertakes to guarantee the arrest bond certificates.

(2) The unqualified obligation of the surety company to pay the fine or forfeiture, in an amount not to exceed five hundred dollars ($500.00) of any person who, after posting a guaranteed arrest bond certificate which the surety has undertaken to guarantee, fails to make the appearance for which the guaranteed arrest bond certificate was posted.

"§ 109-41. *Guaranteed arrest bond certificates accepted.*—(a) Any guaranteed arrest bond certificate guaranteed by a surety company pursuant to G.S. 109-40, shall be accepted in lieu of cash bail or other bond in an amount not to exceed five hundred dollars ($500.00) as a bail bond, when signed by the person whose signature appears on the certificate, to guarantee the appearance of that person in any court in this State at the time set by the court when the person is arrested for the violation of any motor vehicle law of the State or any motor vehicle ordinance of any municipality of this State. The guaranteed arrest bond certificate shall not apply to, and shall not be accepted in lieu of cash bail or bond when the person has been arrested for any impaired driving offense or for any felony.

(b) A guaranteed arrest bond certificate that is posted as a bail bond in any court shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as provided by law."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

S.B. 227 **CHAPTER 624**

AN ACT CONCERNING NOTICE OF WITHDRAWAL OF STREET DEDICATION BY THE CITY OF DURHAM.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to the Durham City Charter, being Chapter 671, Session Laws of 1975, as follows:

"Sec. 51.2. *Prior Notice of Withdrawal of Street Dedication.* The City Council is authorized to enact by ordinance provisions that establish reasonable procedural requirements designed to give the City prior notice of any declaration of withdrawal and any related plats or maps proposed to be recorded in the county registry pursuant to G.S. 136-96. The authority granted herein shall extend to the withdrawal from dedication of any street or roadway within the City of Durham or its extraterritorial area. Such procedural enactments may include, but are not limited to, a requirement that the proposed declaration of withdrawal and any related maps or plats be filed with a designated office of the City government for a specified number of days, not greater than 30 calendar days, prior to the recordation of any such document in the county registry."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

S.B. 468 **CHAPTER 625**

AN ACT TO PROVIDE THAT EXPENSES FOR A WRONGFUL DEATH ACTION MAY BE ADVANCED FROM THE DECEDENT'S ESTATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-18-2(a) is amended by adding after the first sentence the following:

"The personal representative or collector of the decedent who pursues an action under this section may pay from the assets of the estate the reasonable and necessary expenses, not including attorneys' fees, incurred in pursuing the action. At the termination of the action, any amount recovered shall be applied first to the reimbursement of the estate for the expenses incurred in pursuing the action, then to the payment of attorneys' fees, and shall then be distributed as provided in this section."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 182 **CHAPTER 626**

AN ACT TO PROVIDE A FAIR PROCEDURE IN PARTITION SALES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 46-22 is rewritten to read:

"§ 46-22. *Sale in lieu of partition.*—(a) The court shall order a sale of the property described in the petition, or of any part, only if it finds, by a preponderance of the evidence, that an actual partition of the lands cannot be made without substantial injury to any of the interested parties.

(b) 'Substantial injury' means the fair market value of each share in an in-kind partition would be materially less than the share of each cotenant in the money equivalent that would be obtained from the sale of the whole, and if an in-kind division would result in material impairment of the cotenant's rights.

(c) The court shall specifically find the facts supporting an order of sale of the property.

(d) The party seeking a sale of the property shall have the burden of proving substantial injury under the provisions of this section."

Sec. 2. G.S. 46-28 is amended by designating the current language as subsection (a) and by adding a new subsection (b) to read:

"(b) The commissioners shall certify to the court that at least 20 days prior to sale a copy of the notice of sale was sent by first class mail to the last known address of all petitioners and respondents who previously were served by personal delivery or by registered or certified mail. The Commissioner shall also certify to the Court that at least ten days prior to any resale pursuant to G.S. 46-28.1(e) a copy of the notice of resale was sent by first class mail to the last known address of all parties to the partition proceeding who have filed a written request with the Court that they be given notice of any resale. An affidavit from the commissioners that copies of the notice of sale and resale were mailed to all parties entitled to notice in accordance with this section shall satisfy the certification requirement and shall also be deemed *prima facie* true. If after hearing it is proven that a party seeking to revoke the order of confirmation of a sale or subsequent resale was mailed notice as required by this section prior to the date of the sale or subsequent resale, then that party shall not prevail under the provisions of G.S. 46-28.1(a)(2)a. and b."

Sec. 3. G.S. 46-28.1(a) is rewritten to read:

"(a) Notwithstanding G.S. 46-28 or any other provision of law, an order confirming the partition sale of real property shall not become final and effective until 15 days after entered. At any time before the confirmation order becomes final and effective, any party to the partition proceeding or the purchaser may petition the court to revoke its order of confirmation and to order the withdrawal of the purchaser's offer to purchase the property upon the following grounds:

(1) In the case of a purchaser, a lien remains unsatisfied on the property to be conveyed.

(2) In the case of any party to the partition proceeding:

a. Notice of the partition was not served on the petitioner for revocation as required by Rule 4 of the Rules of Civil Procedure; or
b. Notice of the sale was not mailed to the petitioner for revocation as required by G.S. 46-28(b); or
c. The amount bid or price offered is inadequate and inequitable and will result in irreparable damage to the owners of the real property.

In no event shall the confirmation order become final or effective during the pendency of a petition under this section. No upset bid shall be permitted after the entry of the confirmation order."

Sec. 4. G.S. 46-28.1(b) is amended by deleting the word "purchaser" in the first line, and substituting the words "party petitioning for revocation."

Sec. 5. G.S. 46-28.1(c) is rewritten to read:

"(c) In the case of a petition brought under this section by a purchaser claiming the existence of an unsatisfied lien on the property to be conveyed, if the purchaser proves by a preponderance of the evidence that:

(1) A lien remains unsatisfied on the property to be conveyed; and
(2) The purchaser has not agreed in writing to assume the lien; and
(3) The lien will not be satisfied out of the proceeds of the sale; and
(4) The existence of the lien was not disclosed in the notice of sale of the property, the court may revoke the order confirming the sale, order the withdrawal of the purchaser's offer, and order the return of any money or security to the purchaser tendered pursuant to the offer.

The order of the court in revoking an order of confirmation under this section may not be introduced in any other proceeding to establish or deny the existence of a lien."

Sec. 6. G.S. 46-28.1(d) is rewritten to read:

"(d) In the case of a petition brought pursuant to this section by a party to the partition proceeding, if the court finds by a preponderance of the evidence that petitioner has proven a case pursuant to a., b., or c. of subsection (a)(2), the court may revoke the order confirming the sale, order the withdrawal of the purchaser's offer, and order the return of any money or security to the purchaser tendered pursuant to the offer."

Sec. 7. G.S. 46-28.1 is amended by adding a new subsection (e) to read:

"(e) If the court revokes its order of confirmation under this section, the court shall order a resale pursuant to the provisions of G.S. 1-339.27."

Sec. 8. G.S. 46-28.2 is rewritten to read:

"§ 46-28.2. *When bidder may purchase.*—After the order of confirmation becomes final and effective, the successful bidder may immediately purchase the property."

Sec. 9. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

S.B. 752 **CHAPTER 627**

AN ACT TO ENABLE COUNTY BOARDS OF COMMISSIONERS TO EXTEND AND ABOLISH COUNTY WATER AND SEWER DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. Article 6, Chapter 162A of the General Statutes, is amended by adding a new section to read:

"§ 162A-87.1. *Extension of water and sewer districts.*—(a) Standards. The board of commissioners may, by resolution, annex territory to any water and sewer district upon a finding that:

(1) The area to be annexed is contiguous to the district, with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district;

(2) The residents of the territory to be annexed will benefit from the annexation; and

(3) It is economically feasible to provide the proposed service or services in the annexed district without unreasonable or burdensome annual tax levies.

(b) Annexation by Petition. The board of commissioners may, by resolution, extend by annexation the boundaries of any water or sewer district when one hundred percent (100%) of the real property owners of the area to be annexed have petitioned the board for annexation to the water and sewer district.

(c) Annexation of Property within a City or Sanitary District. Territory lying within the corporate limits of a city or sanitary district may not be annexed to a water and sewer district unless the governing body of the city or sanitary district agrees, by resolution, to the annexation.

(d) Report. Before the public hearing required by subsection (e) of this section, the board of commissioners shall have prepared a report containing:

(1) A map of the water and sewer district and the adjacent territory, showing the present and proposed boundaries of the district; and

(2) A statement showing that the area to be annexed meets the standards and requirements established in subsections (a), (b), or (c) of this section.

The report shall be available for public inspection in the office of the clerk of the board of commissioners for at least two weeks before the date of the public hearing required by subsection (e) of this section.

(e) Hearing and Notice. The board of commissioners shall hold a public hearing before adopting any resolution extending the boundaries of a water and sewer district. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a statement that the report required by subsection (d) of this section is available for inspection in the office of the clerk of the board of commissioners. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed, at least four weeks before the date of the hearing, to the owners, as shown by the

county tax records as of the preceding January 1, of all property located within the area to be annexed. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the board of commissioners to mail the notice shall certify to the board of commissioners that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(f) Effective Date. The resolution extending the boundaries of the district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the board of commissioners."

Sec. 2. Article 6, Chapter 162A of the General Statutes, is amended by adding a new section to read:

"§ 162A-87.2. *Abolition of water and sewer districts.*—Upon finding that there is no longer a need for a water and sewer district and that there are no outstanding bonds or notes issued to finance projects in the district, the board of commissioners may, by resolution, abolish that district. The board of commissioners shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any water and sewer district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the board of commissioners."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

S.B. 298 **CHAPTER 628**

AN ACT TO ESTABLISH A UNIFORM STATEWIDE SYSTEM OF APPRAISING LAND CLASSIFIED FOR TAXATION AT ITS PRESENT-USE VALUE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-277.2(5) is rewritten to read:

"(5) 'Present-use value' means the value of land in its current use as agricultural land, horticultural land, or forestland, based solely on its ability to produce income, using a rate of nine percent (9%) to capitalize the expected net income of the property and assuming an average level of management."

Sec. 2. G.S. 105-277.7 is rewritten to read:

"§ 105-277.7. *Use-Value Advisory Board.*—The Use-Value Advisory Board is established under the supervision of the Agricultural Extension Service of North Carolina State University. The Board shall annually submit to the Department of Revenue a recommended use-value manual developed in accordance with the guidelines in G.S. 105-289(a)(5). In developing the manual, the Board may consult with federal and State agencies as needed.

The Board shall be chaired by the Director of the Agricultural Extension Service of North Carolina State University and shall consist of the following additional members: a representative of the Department of

Agriculture, designated by the Commissioner of Agriculture; a representative of the Forest Resources Division of the Department of Natural Resources and Community Development, designated by the Director of that Division; and a representative of the Agricultural Extension Service at North Carolina Agricultural and Technical State University, designated by the Director of the Extension Service. All members shall serve ex officio. The Agricultural Extension Service at North Carolina State University shall provide clerical assistance to the Board."

Sec. 3. G.S. 105-289(a) is amended by adding a new subdivision to read:

"(5) To prepare and distribute annually to each assessor a manual that establishes five expected net income per acre ranges for agricultural land, horticultural land, and forestland, and establishes a method for appraising nonproductive land as a percentage of the lowest use-value established for productive land. The high and low net income amount in each range may differ by no more than fifteen dollars ($15.00). The basis for establishing each range shall be soil productivity.

For agricultural land, the expected net income per acre ranges shall be based on the actual yields and prices of corn and soybeans over a period of at least the five previous years, and the actual fixed and variable costs, including an imputed management cost, incurred in growing corn and soybeans over the same period of time. The manual shall contain recommended adjustments to the net income per acre ranges for the growing of crops subject to acreage or poundage allotments.

Expected net income per acre ranges shall be similarly established for horticultural land and forestland, using typical horticultural or forest products in various growing regions of the State instead of corn and soybeans."

Sec. 4. G.S. 105-317(a)(1) is amended by deleting the last sentence of that subdivision.

Sec. 5. Sections 2 and 3 of this act are effective upon ratification; the first manual required by those sections shall be prepared for use in tax year 1987-88. The remaining sections of this act shall become effective January 1, 1987, and shall apply to each county when that county conducts a general reappraisal of property or on January 1, 1994, whichever occurs earlier.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

S.B. 750 **CHAPTER 629**

AN ACT TO EXEMPT CERTAIN PRESSURE VESSELS FROM THE PROVISIONS OF THE UNIFORM BOILER AND PRESSURE VESSEL ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-69.10 is amended by adding a new subsection (e) to read as follows:

"(e) The construction requirements established by the Department of Labor shall not apply to pressure vessels installed in this State prior to December 31, 1984, that:

(1) Are manufactured from gray iron casting material, as specified by the American Society for Testing and Materials, (ASTM) 48-60T/30;

(2) Are constructed before December 31, 1967, and operating or could be operated, under the laws of any state or Canadian Province that has adopted one or more sections of the ASME Boiler and Pressure Vessel Code;

(3) Are transferred into this State without a change of ownership; and

(4) Are determined by the Director to be constructed under standards substantially equivalent to those established by the department at the time of transfer;

provided that they are equipped with ASME Code and National Board certified safety relief valves."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

S.B. 241 **CHAPTER 630**

AN ACT TO AMEND CHAPTER 87 OF THE GENERAL STATUTES RELATING TO THE QUALIFICATIONS AND ROSTERS OF GENERAL CONTRACTORS.

The General Assembly of North Carolina enacts:

Section 1. The third sentence of G. S. 87-8 is amended by adding immediately after the words "as provided in G.S. 87-7" the words ", with copies being made available to contractors and members of the public, at cost, upon request, or furnished without cost, as directed by the Board".

Sec. 2. The third sentence of G.S. 87-10 is amended by adding immediately after the words "that the applicant has never been convicted of a felony" the words "involving moral turpitude, relating to building or contracting, or involving embezzlement or misappropriation of funds or property entrusted to the applicant".

Sec. 3. The third sentence of the last paragraph of G.S. 87-10 is amended by deleting the words "shall become invalid on that day" and substituting "shall become invalid 60 days from that date".

Sec. 4. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

S.B. 441 **CHAPTER 631**

AN ACT TO CHANGE THE QUALIFICATIONS FOR A LIMITED PILOTAGE LICENSE ISSUED BY THE CAPE FEAR NAVIGATION AND PILOTAGE COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 76A-6(1) is rewritten to read:

"(1) Limited. Limited licenses may be issued to those who pass requirements established by the Commission to entitle such person to a limited license."

Sec. 2. G.S. 76A-6(2) is hereby amended by rewriting the second sentence to read as follows:

"Provided there is a vacancy in the number of pilot positions established pursuant to G.S. 76A-14, a full license shall be issued to the holder of a limited license who has in the opinion of the Commission satisfactorily served at least one year under a limited license."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 565 **CHAPTER 632**

AN ACT ALLOWING THE CITY OF WINSTON-SALEM TO ESTABLISH, AGREE TO AND COMPLY WITH MINIMUM MINORITY AND WOMEN'S BUSINESS ENTERPRISE PARTICIPATION REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Winston-Salem, being Chapter 232 of the Private Laws of 1927 as amended, is further amended by designating the existing language of Section 38 of the Charter as subsection (a) and by adding at the end of Section 38 a new subsection (b) to read:

"(b) The Board of Aldermen of the City of Winston-Salem may establish, agree to and comply with minimum minority and women's business enterprise participation requirements in projects financed by public funds to ensure equal employment opportunities or to redress past discrimination, by including such minimum requirements in the specifications for contracts to perform all or part of such projects and awarding bids pursuant to G.S. 143-129 and 143-131, provided that nothing in the specifications or requirements allow the award of contracts or sub-contracts to be made to other than contractors or sub-contractors who submit the lowest responsible bid and meet the bonding requirements of G.S. 44A-26. In addition, any contract between the City and a developer or developers pursuant to Chapter 289, Session Laws of 1981 (Uptown Development Projects) may contain provisions ensuring the use of a designated number or percentage (as determined by the Board of Aldermen) of minority and female subcontractors in the construction of the Uptown Development Project."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 620 **CHAPTER 633**

AN ACT TO ALLOW A PROCEDURE FOR EXTENSION OF AND ASSESSMENT FOR WATER LINES INTO DEVELOPED SUBDIVISIONS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-206. *Assessment for lines in developed subdivisions.*—(a) If an existing subdivision, shopping center, multi-family development or mobile home park water service extension is constructed which requires connection to a main water transmission line of the county to provide county water service to the service area, the following procedures shall be followed by the developer in order for said developer to be reimbursed for the costs associated with the said extension.

(b) As used in this section 'developer' means one or more individuals, firms, partnerships or corporations or a collection of two or more of the above, acting as the entity through which construction activity set forth herein is conducted. The developer as herein defined shall be such an entity as to be able to contract, sue and be sued, convey good title to real and personal property and act as payee for documents of commercial paper as contemplated in the provisions of the Uniform Commercial Code, Chapter 25 of the General Statutes.

(c) Upon petition of the developer to the county, signed and concurred with by at least seventy-five percent (75%) of the property owners of real property in the service area, the board of county commissioners shall conduct a public hearing concerning the developer's proposal. Notice of the hearing shall be given by advertisement at least one week prior to the hearing in a newspaper of general circulation in the county. Following the hearing, the county may certify the developer's water service extension as eligible for total cost reimbursement. At the time the petition is submitted, the said developer shall certify good faith attempted compliance with all requirements and procedures set forth herein. All signatures attached to the petition must be verified by the county as representing property owners owning real property within the water service area. Said petition must include a plat clearly showing the boundaries of the proposed water service area. The proposed water service area may not be expanded or limited without the approval of the county following submission of the aforementioned plat.

(d) The developer shall extend at the developer's complete expense any main water distribution line to the specifications set forth in policy by the county.

(e) Complete ownership of any main water distribution line and any other line extensions so constructed shall be deeded to the county and

perpetual easements over private roads or other private property shall be granted to the county if such roads or property are involved.

(f) The developer shall submit to the county engineer all maps, plats, surveys, executed documents of deed and/or easement for review by the county and acceptance by the county of the main water distribution lines and any other extensions thereto. The developer must also submit water line construction costs documentation prior to or with instruments of dedication and/or easement.

(g) The county shall be deemed to have accepted any water main distribution line and extensions thereof on the date of the recording of all documents of transfer and/or easement in the office of the register of deeds of the county.

(h) When the project is complete, the developer shall present to the county an affidavit certifying that all cost associated with the project has been paid in full and that no outstanding liens or suits in law are pending as against the project. The affidavit shall further certify any sums received from landowners within the service area and the amount of such sums so received. The affidavit further shall contain the name and address of the agent so designated by the developer for receipt of payments under this section.

(i) The county shall prepare a scroll of all benefited landowners in the water service area. Pro rata assessments shall then be made against the number of lots served or subject to being served by the project and an amount equal to ten percent (10%) of the total construction costs shall be added to the total assessment amount to cover administrative expenses of the county. If it appears from the affidavit required in subsection (h) of this section that any landowner has paid a sum equal to his pro rata assessment amount, that landowner shall not be assessed.

(j) Said assessments shall be mailed, certified mail, return receipt requested, to each lot owner as reflected on the assessment scroll. Assessment shall be due and payable 60 days following receipt of said assessment by the lot owner. If the said assessment is not paid within 60 days, said amount shall bear interest at the rate of eight percent (8%) per annum until paid. The county may foreclose assessment liens under any procedure provided by law for the foreclosure of property tax liens, except that foreclosure may be begun at any time after 30 days after the due date. The county is not entitled to a deficiency judgment in an action to foreclose an assessment lien. The lien of special assessments is inferior to all prior and subsequent liens for State, local and federal taxes and superior to all other liens.

(k) On the six month anniversary date of the assessment, payment shall be made to the developer of such sums as may then be collected pursuant to the assessment less than ten percent (10%) administrative fee. Said payment shall be made every six months, if funds have been received, until construction cost as documented is paid in full.

(l) Verified delivery to or service upon the county engineer shall constitute notice to the county under the provisions of this section.

(m) In addition to the requirements of this section, each developer must execute a release in form prepared by and satisfactory to the county releasing the county, its employees, agents, officials, and assignees from

any liability, in law or in equity regarding any and all phases and requirements of this section."

Sec. 2. This act applies to Brunswick County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 631 **CHAPTER 634**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF SAFETY ZONES TO PROHIBIT HUNTING NEAR BUILDINGS IN THE BLADEN LAKES STATE FOREST.

The General Assembly of North Carolina enacts:

Section 1. The Wildlife Resources Commission shall establish safety zones on the Bladen Lakes State Forest to prohibit hunting within 1,000 feet of any dwelling or structure.

Sec. 2. It is unlawful to hunt within the safety zones designated by the Wildlife Resources Commission pursuant to this act. Violation of this section is a misdemeanor punishable by a fine of not less than one hundred dollars ($100.00) in addition to such other punishment or reparation the court may, in its discretion, impose.

Sec. 3. This act shall become effective September 1, 1985.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 931 **CHAPTER 635**

AN ACT CONCERNING SUBDIVISION WATER SYSTEM DEDICATION IN EXTRATERRITORIAL AREAS.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of G.S. 160A-374 is rewritten to read:

"Unless a city, county or other public entity operating a water system shall have agreed to begin operation and maintenance of the water system or water system facilities within one year of the time of issuance of a certificate of occupancy for the first unit of housing in the subdivision, a city or county shall not, as part of its subdivision regulation applied to facilities or land outside the corporate limits of a city, require dedication of water systems or facilities as a condition for subdivision approval."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 997 **CHAPTER 636**

AN ACT TO PROVIDE FOR THE EXPUNGEMENT OF RECORDS OF FIRST OFFENDERS ONLY WHEN CHARGES ARE DISMISSED OR THERE ARE FINDINGS OF NOT GUILTY.

The General Assembly of North Carolina enacts:

Section 1. Article 23 of Chapter 15 of the General Statutes is recodified as Article 5 of Chapter 15A of the General Statutes. G.S. 15-223 is recodified as G.S. 15A-145. G.S. 15-224 is recodified as G.S. 15A-146.

Sec. 2. G.S. 15.224, recodified as G.S. 15A-146, is amended in the first sentence by deleting the language "Except as otherwise provided in G.S. 90-96, if" and substituting the word "If".

Sec. 3. G.S. 15-224, recodified as G.S. 15A-146, is amended in the second sentence by deleting the language "at the time any of the proceedings against him occurred the person had not attained the age of 18 years and" and inserting in lieu thereof the language "the person had not previously received an expungement and that the person".

Sec. 4. G.S. 15-224, recodified as G.S. 15A-146, is amended by deleting the last sentence.

Sec. 5. G.S. 15-224, recodified as G.S. 15A-146, is amended by denominating the current paragraph as paragraph (a).

Sec. 6. G.S. 15A-146(b) is written to read:

"The court may also order that the said entries shall be expunged from the records of the court, and direct all law enforcement agencies bearing record of the same to expunge their records of the entries. The clerk shall forward a certified copy of the order to the sheriff, chief of police, or other arresting agency. The sheriff, chief or head of such other arresting agency shall then transmit the copy of the order with the form supplied by the State Bureau of Investigation to the State Bureau of Investigation, and the State Bureau of Investigation shall forward the order to the Federal Bureau of Investigation. The costs of expunging such records shall be taxed against the petitioner."

Sec. 7. G.S. 15A-146(c) is written to read:

"The Clerk of Superior Court in each county in North Carolina shall, as soon as practicable after each term of court in his county, file with the Administrative Office of the Courts, the names of those persons granted an expungement under the provisions of this section and the Administrative Office of the Courts shall maintain a confidential file containing the names of persons granted such expungement. The information contained in such files shall be disclosed only to judges of the General Court of Justice of North Carolina for the purpose of ascertaining whether any person charged with an offense has been previously granted an expungement."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

H.B. 1410 **CHAPTER 637**

AN ACT TO PERMIT LOCAL SCHOOL BOARDS TO AUTHORIZE THE OBSERVANCE OF A MOMENT OF SILENCE EACH DAY IN SCHOOL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47 is amended by adding a new subsection to read:

"(28) To authorize the observance of a moment of silence. Local boards of education may adopt policies to authorize the observance of a moment of silence at the commencement of the first class of each day in all grades in the public schools. Such a policy shall provide that the teacher in charge of the room in which each class is held may announce that a period of silence not to exceed one minute in duration shall be observed and that during that period silence shall be maintained and no one may engage in any other activities. Such period of silence shall be totally and completely unstructured and free of guidance or influence of any kind from any sources."

Sec. 2. This act is effective upon ratification and applies to all school years beginning with the 1985-86 school year.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

S.B. 125 **CHAPTER 638**

AN ACT TO PROVIDE THAT FALSE INFORMATION IN STATE EMPLOYEES' FILES SHALL BE DESTROYED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-25 is amended by adding at the end a new sentence to read: "When a department, division, bureau, commission, or other agency agrees or is ordered by the State Personnel Commission or by the General Court of Justice of this State to remove inaccurate or misleading material from an employee's file, which information was placed in the file by the supervisor or other agent of management, it shall destroy the original and all copies of the material removed and may not retain any inaccurate or misleading information derived from the material removed."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

S.B. 176 **CHAPTER 639**

AN ACT TO CLARIFY THE AUTHORITIES OF STANLY, IREDELL, NORTHAMPTON, MONTGOMERY, ANSON, BERTIE, DUPLIN, JONES, FORSYTH, HERTFORD AND GATES COUNTIES AND THE MUNICIPALITIES THEREIN TO UNDERTAKE ECONOMIC DEVELOPMENT ACTIVITIES.

Whereas, local governments, with the encouragement of the State of North Carolina, have become active partners in seeking to attract new industrial development to North Carolina; and

Whereas, local governments have frequently undertaken a wide range of economic development activities with the financial assistance of such federal and State programs as Economic Development, Community Development, and General Revenue Sharing; and

Whereas, it is very possible that these federal and State programs of financial assistance will be eliminated or severely reduced during the next fiscal year; and

Whereas, if local governments are to continue these economic development activities, which have proved successful, with local funds, it is important that their authority to do so be quite specific; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 158-7.1 is amended by designating the present section as subsection (a) and by adding new subsections (b), (c), (d), (e), and (f), to read as follows:

"(b) A county or city may undertake the following specific economic development activities. (This listing is not intended to limit by implication or otherwise the grant of authority set out in subsection (a) of this section.) The activities listed in this subsection (b) may be funded by the levy of property taxes pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law.

(1) A county or city may acquire and develop land for an industrial park, to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use, or similar industrial or commercial purposes. A county may acquire land anywhere in the county, including inside of cities, for an industrial park, while a city may acquire land anywhere in the county or counties in which it is located. A county or city may develop the land by installing utilities, drainage facilities, street and transportation facilities, street lighting, and similar facilities; may demolish or rehabilitate existing structures; and may prepare the site for industrial or commercial uses. A county or city may convey property located in an industrial park pursuant to subsection (d) of this section.

(2) A county or city may acquire, assemble, and hold for resale property that is suitable for industrial or commercial use. A county may acquire such property anywhere in the county, including inside of cities, while a city may acquire such property inside the city or, if the property will be used by a business that

will provide jobs to city residents, anywhere in the county or counties in which it is located. A county or city may convey property acquired or assembled pursuant to this paragraph pursuant to subsection (d) of this section.

(3) A county or city may acquire options for the acquisition of property that is suitable for industrial or commercial use. The county or city may assign such an option, following such procedures, for such consideration, and subject to such terms and conditions as the county or city deems desirable.

(4) A county or city may acquire or construct one or more 'shell buildings', which are structures of flexible design adaptable for use by a variety of industrial or commercial businesses. A county or city may convey or lease a shell building or space in a shell building pursuant to subsection (c) of this section.

(5) A county or city may extend or may provide for or assist in the extension of utility services to an industrial facility, whether the utility is publicly or privately owned.

(c) Any appropriation or expenditure pursuant to subsection (b) of this section must be approved by the county or city governing body after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held. The notice shall describe the interest to be acquired, the proposed acquisition cost of such interest, the governing body's intention to approve the acquisition, the source of funding for the acquisition and such other information needed to reasonably describe the acquisition.

(d) A county or city may lease or convey interests in real property held or acquired pursuant to subsection (b) of this section in accordance with the procedures of this subsection (d). A county or city may convey or lease interests in property by private negotiation and may subject the property to such covenants, conditions, and restrictions as the county or city deems to be in the public interest or necessary to carry out the purposes of this section. Any such conveyance or lease must be approved by the county or city governing body, after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held; the notice shall describe the interest to be conveyed or leased, the value of the interest, the proposed consideration for the conveyance or lease, and the governing body's intention to approve the conveyance or lease. Before such an interest may be conveyed, the county or city governing body shall determine the fair market value of the interest, subject to whatever covenants, conditions, and restrictions the county or city proposes to subject it to; the consideration for the conveyance may not be less than the value so determined.

(e) All appropriations and expenditures pursuant to subsections (b) and (c) of this section shall be subject to the provisions of the Local Government Budget and Fiscal Control Acts of the North Carolina General Statutes, respectively, for cities and counties. The budget format for each such governing body shall make such disclosures in such detail as the Local Government Commission may by rule and regulation direct.

(f) All appropriations and expenditures pursuant to subsections (b) and (c) of this section shall be subject to the following limitations: No county

or city shall have an aggregate investment outstanding at any one time which exceeds one-half of one percent (0.05%) of the outstanding assessed property tax valuation for the governing body as of January 1 of each year, beginning January 1, 1986."

Sec. 2. G.S. 159-48(b) is amended by adding a new paragraph No. 24 at the end thereof, to read as follows:

"(24) Providing industrial parks, land suitable for industrial or commercial purposes, shell buildings, in order to provide employment opportunities for citizens of the county or city."

Sec. 3. G.S. 159-81(3) is amended by adding a new paragraph "m.", to read as follows:

"m. Economic development projects, including the acquisition and development of industrial parks, the acquisition and resale of land suitable for industrial or commercial purposes, and the construction and lease or sale of shell buildings in order to provide employment opportunities for citizens of the municipality."

Sec. 4. This act shall become effective January 1, 1986, and shall apply only to Stanly, Iredell, Northampton, Montgomery, Anson, Bertie, Duplin, Jones, Forsyth, Hertford and Gates Counties and those municipalities located in those counties.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

S.B. 221 **CHAPTER 640**

AN ACT TO AUTHORIZE WAKE COUNTY TO EXERCISE THE POWER OF EMINENT DOMAIN UNDER G.S. 40A-42(a) TO ACQUIRE PROPERTY FOR PUBLIC SAFETY AND OTHER FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 40A-3(b) is amended by adding the following new subdivision to read:

"(10) Public Safety centers including, but not limited to, jails, offices and emergency medical service facilities."

Sec. 2. The first sentence of G.S. 40A-42(a) is amended to read:

"When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6) or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2), (3) or (5), or G.S. 40A-3(b)(10), title to the property and the right to immediate possession shall vest pursuant to this subsection."

Sec. 3. This act shall apply only to the County of Wake.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

S.B. 226 **CHAPTER 641**

AN ACT ALLOWING THE CITY OF DURHAM NOT TO LEVY ASSESSMENTS ON CITY-OWNED PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Subsection (15) of Section 77 of the Durham City Charter, being Chapter 671, Session Laws of 1975, is hereby amended by adding the following thereto:

"The City Council may choose not to levy assessments against property owned by the City, in which case, the amount assessable against City property shall be omitted from the preliminary assessment roll and shall not be assessed against the remaining property owners. The City Council shall count City-owned property for the purpose of determining the sufficiency of a petition submitted pursuant to subsection (7) of this section notwithstanding the decision of the City Council not to levy an assessment against such property."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

S.B. 237 **CHAPTER 642**

AN ACT TO PROVIDE GOOD SAMARITAN PROTECTION TO PUBLIC SCHOOL EMPLOYEES AND VOLUNTEERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-307(c) is amended between the first and second paragraphs by inserting a new paragraph to read:

"Any public school employee, authorized by the board of education or its designee to act under (i), (ii), or (iii) above, shall not be liable in civil damages for any such authorized act or for any omission relating to such act unless such act or omission amounts to gross negligence, wanton conduct or intentional wrongdoing. Any person, serving in a voluntary position at the request of or with the permission or consent of the board of education or its designee, who has been given the authority by the board of education or its designee to act under (ii) above shall not be liable in civil damages for any such authorized act or for any omission relating to such act unless the act amounts to gross negligence, wanton conduct or intentional wrongdoing."

Sec. 2. This act is effective upon ratification and shall apply only to acts and omissions committed on and after this date.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

S.B. 442 **CHAPTER 643**

AN ACT TO PROVIDE FOR TREBLE DAMAGES AS A CIVIL REMEDY FOR THE WRITING OF WORTHLESS CHECKS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 6-21.3 is rewritten to read as follows:

"§ 6-21.3. *Remedies for returned check.*—(a) Notwithstanding any criminal sanctions that may apply, a person, firm, or corporation who knowingly draws, makes, utters, or issues and delivers to another any check or draft drawn on any bank or depository that refuses to honor the same because the maker or drawer does not have sufficient funds on deposit in or credit with the bank or depository with which to pay the check or draft upon presentation, and who fails to pay the same amount in cash to the payee within 30 days following written demand therefor, shall be liable to the payee for the amount owing on the check and, in addition, for damages of the lesser of five hundred dollars ($500.00) or three times the amount owing on the check, but in no case less than one hundred dollars ($100.00) in addition to the amount owing on the check. In an action under this section the court or jury may, however, waive all or part of the treble damages upon a finding that the defendant's failure to satisfy the dishonored check or draft was due to economic hardship.

The written demand shall: (i) describe the check or draft and the circumstances of its dishonor, (ii) contain a demand for payment and a notice of intent to file suit for treble damages under this section if payment is not received within 30 days, and (iii) be mailed by certified mail to the defendant at his last known address.

(b) In an action under subsection (a) of this section, the presiding judge or magistrate may award the prevailing party, as part of the court costs payable, a reasonable attorney's fee to the duly licensed attorney representing the prevailing party in such suit.

(c) It shall be an affirmative defense, in addition to other defenses, to an action under this section if it is found that: (i) full satisfaction of the amount of the check or draft was made prior to the commencement of the action, or (ii) that the bank or depository erred in dishonoring the check or draft, or (iii) that the acceptor of the check knew at the time of acceptance that there were insufficient funds on deposit in the bank or depository with which to cause the check to be honored.

(d) The remedy provided for herein shall apply only if the check was drawn, made, uttered or issued with knowledge there were insufficient funds in the account or that no credit existed with the bank or depository with which to pay the check or draft upon presentation."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

S.B. 590 **CHAPTER 644**

AN ACT TO AMEND THE DEFINITION OF A SLOT MACHINE AS IT RELATES TO ARCADE AMUSEMENT MACHINES, VIDEO GAMES, AND OTHER DEVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-306 is amended by rewriting the last paragraph of that section to read:

"The definition contained in the first paragraph of this section does not include coin-operated machines, video games, and devices designed and manufactured for amusement only, the operation of which depends upon the skill of the player. Included within this exception are pinball machines, video games, and other arcade amusement devices that enable the player, based on his skill, to make varying scores or tallies and to receive free replays or paper coupons that may be exchanged for prizes with a value not exceeding ten dollars ($10.00), but may not be exchanged or converted to money."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

S.B. 598 **CHAPTER 645**

AN ACT TO PROVIDE THAT CLAIMS AGAINST DECEDENTS' ESTATES MAY BE PRESENTED BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY DELIVERY TO THE CLERK OF COURT FOR FILING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-19-1(a) is amended by rewriting the same to read:

"(a) A claim against a decedent's estate must be in writing and state the amount or item claimed, or other relief sought, the basis for the claim, and the name and address of the claimant; and must be presented by one of the following methods:

(1) By delivery in person or by mail to the personal representative, collector or Clerk of Superior Court. Such claim will be deemed to have been presented from the time of such delivery.

(2) By mailing, registered or certified mail, return receipt requested, to the personal representative or collector at the address set out in the general notice to creditors. Such claim will be deemed to have been presented from the time when the return receipt is signed by the personal representative, collector, or his agent, or is refused by the personal representative, collector, or his agent.

(3) By delivery to the clerk of court of the county in which the estate is pending, which notice shall be filed in the appropriate estate file and copy mailed first class by the clerk of superior court at the expense of the claimant to the personal representative,

collector, or his agent. The claim will be deemed to have been presented from the time of delivery to the clerk of court."

Sec. 2. This act is effective upon ratification and applies to estates of decedents dying on or after the date of ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

S.B. 690 **CHAPTER 646**

AN ACT TO CONTINUE THE SCHOOL FINANCE PILOT PROJECT.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Education shall continue the School Finance Pilot Project, established by the Board pursuant to Section 86, Chapter 761 of the 1983 Session Laws, through the 1987-88 fiscal year. The Board is further directed to report on the progress of the project to the 1987 General Assembly. Said report is also to contain recommendations for statutory changes and continuation or modification of the project.

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

H.B. 500 **CHAPTER 647**

AN ACT AMENDING CHAPTER 188 OF THE 1977 SESSION LAWS RELATING TO THE POLICEMEN'S PENSION FUND OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina enacts:

Section 1. Subsection (b) of Section 9, Chapter 188, Session Laws of 1977, as amended by subsection (d) of Section 1, Chapter 429, Session Laws of 1979, is rewritten to read:

"(b) If and in the event any member of the Asheville Police Department qualifying under this act shall become disabled while acting in the line of duty, as defined in this act, and is unable to work as a policeman, he shall receive monthly a sum equal to seventy percent (70%) of his basic monthly salary rate as then paid by the City of Asheville, said seventy percent (70%) of said basic monthly salary rate to be in monthly installments by the Board of Trustees of the Asheville Policemen's Pension and Disability Fund; provided, however, that if under the North Carolina Worker's Compensation Act he shall receive any payments due to such disability, then the amount of such compensation payments shall be deducted from the amount of his said monthly installment, and there shall be paid from the Policemen's Pension and Disability Fund only such amount as may be required to make up his said monthly installment; provided, further, that if under the North Carolina Worker's Compensation Act such member elects to take a lump sum settlement of the amount due to him as a result of his disability, then such member shall receive from the Policemen's Pension and Disability Fund each month a sum equal to the difference between the amount of the member's

monthly installment under the Policemen's Pension and Disability Fund and the amount that would have been received under the Worker's Compensation Act had the lump sum settlement not been made; provided, further, that if such member of the Asheville Police Department shall be killed in the line of duty, or shall die as a result of a disability in the line of duty, as defined in this act, the surviving spouse shall receive, so long as said surviving spouse remains unmarried, the same monthly installment as the member would have received under this section; provided, further, that if, under the North Carolina Worker's Compensation Act such surviving spouse elects to take a lump sum settlement of the amount due on account of the death of the member, then such surviving spouse, so long as said surviving spouse remains unmarried, shall receive from the Policemen's Pension and Disability Fund each month a sum equal to the difference between the amount of the deceased member's monthly installment due under the Policemen's Pension and Disability Act and the amount of the monthly installment that would have been received under the Worker's Compensation Act had the surviving spouse not elected to take a lump sum settlement."

Sec. 2. The City of Asheville may, in its discretion, grant from time to time an increased benefit payment, which increase may consist of a percentage of the cost of living increase, or of any other computation the City deems suitable.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

H.B. 516 **CHAPTER 648**

AN ACT TO AMEND G.S. 7A-517 TO PROHIBIT SEXUAL EXPLOITATION OF CHILDREN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-517(1)c. is rewritten to read:

"c. Commits, permits, or encourages the commission of vaginal intercourse, any sexual act, the obscene or pornographic photographing, filming or depicting of a child in those acts for commercial or non-commercial usage, or any other offense against public morality and decency provided for in Article 26, Chapter 14 by, with, or upon a juvenile in violation of law; commits, permits or encourages any act of prostitution with or by the juvenile; or".

Sec. 2. This act shall become effective on ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

H.B. 712 **CHAPTER 649**

AN ACT TO PROVIDE FOR VARIOUS CHANGES IN STATE AND LOCAL RETIREMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-26, 135-4 and 135-56 are amended by adding new subsections (h1), (j1) and (e) respectively to read:

"Any member may purchase creditable service for service as a member of the General Assembly not otherwise creditable under this section, provided the service is not credited in the Legislative Retirement Fund nor the Legislative Retirement System, and further provided the member pays a lump sum amount equal to the full cost of the additional service credits calculated on the basis of the assumptions used for the purposes of the actuarial valuation of the System's liabilities, taking into account the additional retirement allowance arising on account of the additional service credits commencing at the earliest age at which a member could retire on an unreduced retirement allowance as determined by the Board of Trustees upon the advice of the consulting actuary, plus an administrative fee to be set by the Board of Trustees."

Sec. 2. Section 5 of Chapter 1106 of the 1983 Session Laws, Regular Session 1984, is amended by adding between the numbers "1985" and the comma the phrase "except for Section 1 which shall become effective September 1, 1986.

Sec. 3. G.S. 128-21(5) and G.S. 135-1(5) are each amended after the word "average" and before the period by inserting a semicolon and the phrase "but shall not include any compensation, as determined by the Board of Trustees, for the reimbursement of expenses or payments for housing or any other allowances whether or not classified as salary and wages."

Sec. 4. G.S. 128-26(e) and G.S. 135-4(c) are amended by adding a sentence at the end to read:

"Creditable service for unused sick leave shall be allowed only for sick leave accrued monthly during employment under a duly adopted sick leave policy and for which the member may be able to take credits and be paid for sick leave without restriction."

Sec. 5. G.S. 120-4.29, 128-31, 135-9 and 143-166(g) are amended by adding a sentence to read:

"Notwithstanding any provisions to the contrary, any overpayment of benefits to a member in a State-administered retirement system or Disability Salary Continuation Plan may be offset against any retirement allowance, return of contributions or any other right accruing under this Chapter to the same person, the person's estate, or designated beneficiary."

Sec. 6. G.S. 105A-2 is amended by adding new subsection p. to read:

"p. The Board of Trustees of the Teachers' and State Employees' Retirement System and the Board of Trustees of the Local Governmental Employees' Retirement System in the performance of their duties pursuant to Chapters 120, 128, 135 and 143 of the General Statutes."

Sec. 7. G.S. 135-58(a) is amended in the tenth line by inserting between the words "System" and "or" the phrase ", the Legislative Retirement System."

Sec. 8. G.S. 128-27(e) and G.S. 135-5(e) are each amended by adding a new subdivision (3a) to read:

"(3a) Notwithstanding the foregoing, a member retired on a disability retirement allowance who is restored to service and subsequently retires on or after July 1, 1985, shall be entitled to an allowance to which he would have been entitled if he were retiring for the first time, calculated on the basis of his total creditable service represented by the sum of his creditable service at the time of his first retirement and his creditable service after he was restored to service. Provided, however, any election of an optional allowance cannot be changed unless the member subsequently completes three years of membership service after being restored to service."

Sec. 9. G.S. 120-4.26 is amended by adding a new sentence at the end of the first paragraph to read:

"Provided, however, any member having elected Options 2 or 3 and nominated his or her spouse to receive a retirement allowance upon the member's death may, after divorce from his or her spouse, revoke the nomination and elect a new option, effective on the first day of the month in which the new option is elected, providing for a retirement allowance computed to be the actuarial equivalent to the retirement allowance in effect immediately prior to the effective date of the new option."

Sec. 10. G.S. 128-27(e) and G.S. 135-5(e) are each amended by adding a new subdivision (5) to read:

"(5) Notwithstanding any other provisions of this Article to the contrary, a beneficiary who was a beneficiary retired on a disability retirement with the Law Enforcement Officers' Retirement System at the time of the transfer of law enforcement officers employed by a participating employer and beneficiaries last employed by a participating employer to this Retirement System and who also was a contributing member of this Retirement System at that time, shall continue to be paid his retirement allowance without restriction and may continue as a member of this Retirement System with all the rights and privileges appendant to membership. Any beneficiary who retired on a disability retirement allowance as an employee of any participating employer under the Law Enforcement Officers' Retirement System and becomes employed as an employee other than as a law enforcement officer by an employer participating in the Retirement System after the aforementioned transfer shall continue to be paid his retirement allowance without restriction and may continue as a member of this Retirement System with all the rights and privileges appendant to membership until January 1, 1989, at which time his retirement allowance shall cease and his subsequent retirement shall be determined in accordance with the preceding subdivision (3a) of this section. Any beneficiary as hereinbefore described who becomes employed as a law enforcement officer by an employer participating in the Retirement System shall cease to be a beneficiary and shall immediately commence membership and his subsequent retirement shall be determined in accordance with subdivision (3a) of this section."

Sec. 11. G.S. 135-3(8a) is amended by deleting the phrase "paragraphs b1 and b2" and substituting the phrase "paragraphs c and d".

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

H.B. 789 **CHAPTER 650**

AN ACT TO AUTHORIZE LETTERS IN WORTHLESS CHECK COLLECTION PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-107.1(b) and 14-107.1(c) are each amended by adding at the end of each respective subdivision (5) the following:

"An acceptor may advise the check passer in a letter that legal action may be taken against him if payment is not made within the prescribed time period. Such letter, however, shall be in a form which does not violate applicable provisions of Article 2 of Chapter 75."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

H.B. 807 **CHAPTER 651**

AN ACT TO PROVIDE FOR SMALL ESTATES PROCEDURE IF THERE IS A WILL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-25-1 is amended by rewriting the title to read: "*Collection of property by affidavit when decedent dies intestate.*"; and by inserting the phrase "or creditor" after the word "heir" wherever it appears.

Sec. 2. Article 25 of Chapter 28A of the General Statutes is amended by adding after G.S. 28A-25-1 a new section to read:

"§ 28A-25-1.1. *Collection of property by affidavit when decedent dies testate.*—(a) When a decedent dies testate leaving property, real or personal or both, less liens and encumbrances, not exceeding ten thousand dollars ($10,000) in value, at any time after 30 days from the date of death, any person indebted to the decedent or having possession of property belonging to the decedent shall make payment of the indebtedness or deliver the property to a person claiming to be an heir, creditor, or devisee of the decedent, not disqualified under G.S. 28A-4-2, upon being presented a certified copy of an affidavit filed in accordance with subsection (b) and made by or on behalf of the heir, creditor, or devisee stating:

(1) The name and address of the affiant and the fact that he is an heir, creditor, or devisee of the decedent;
(2) The name of the decedent and his residence at time of death;
(3) The date and place of death of the decedent;
(4) That 30 days have elapsed since the death of the decedent;

(5) That the decedent died testate leaving property, real or personal or both, less liens and encumbrances, not exceeding ten thousand dollars ($10,000) in value;

(6) That the decedent's will has been admitted to probate in the court of the proper county and a duly certified copy of the will has been recorded in each county in which is located any real property owned by the decedent at the time of his death;

(7) That a certified copy of the decedent's will is attached to the affidavit;

(8) That no application or petition for appointment of a personal representative is pending or has been granted in any jurisdiction;

(9) The names and addresses of those persons who are entitled, under the provisions of the will or of the Intestate Succession Act, to the property of the decedent; and their relationship, if any, to the decedent; and

(10) A description sufficient to identify each tract of real property owned by the decedent at the time of his death.

(b) Prior to the recovery of any assets of the decedent, a copy of the affidavit described in subsection (a) shall be filed in the office of the clerk of superior court of the county where the decedent had his domicile at the time of his death. The affidavit shall be filed by the clerk upon payment of the fee provided in G.S. 7A-307, shall be indexed in the index to estates, and a copy shall be mailed by the clerk to the persons shown in the affidavit as entitled to the property.

(c) The presentation of an affidavit as provided in subsection (a) shall be sufficient to require the transfer to the affiant or his designee of the title and license to a motor vehicle registered in the name of the decedent owner; the ownership rights of a savings account or checking account in a bank in the name of the decedent owner; the ownership rights of a savings account or share certificate in a credit union, building and loan association, or savings and loan association in the name of the decedent owner; the ownership rights in any stock or security registered on the books of a corporation in the name of a decedent owner; or any other property or contract right owned by decedent at the time of his death."

Sec. 3. G.S. 28A-25-2 is amended as follows:

1. In the first sentence by deleting the phrase "personal property" and substituting the word "property";

2. In the first and fourth sentences by adding after the phrase "G.S. 28A-25-1(a)" the phrase "or 28A-25-1.1(a)" in each sentence;

3. In the second and third sentences by deleting the word "personal" in each sentence; and

4. In the last sentence by deleting the phrase "or creditor" and substituting the phrase ", creditor, or devisee".

Sec. 4. G.S. 28A-25-3 is rewritten to read:

"§ 28A-25-3. *Disbursement and distribution of property collected by affidavit.*—(a) If there has been no personal representative or collector appointed by the clerk of superior court, the heir, creditor, or devisee who has collected property of the decedent by affidavit pursuant to G.S. 28A-25-1 or G.S. 28A-25-1.1 shall:

(1) Disburse and distribute the property in the following order:

a. To the payment of the surviving spouse's year's allowance and the children's year's allowance assigned in accordance with G.S. 30-15 through 30-33;

b. To the payment of the debts and claims against the estate of the decedent in the order of priority set forth in G.S. 28A-19-6, or to the reimbursement of any person who has already made payment thereof;

c. To the distribution of the remainder of the property to the persons entitled thereto under the provisions of the will or of the Intestate Succession Act; and

(2) File an affidavit with the clerk of superior court that he has collected the property of the decedent and the manner in which he has disbursed and distributed it. This final affidavit shall be filed within 90 days of the date of filing of the qualifying affidavit provided for in G.S. 28A-25-1 or G.S. 28A-25-1.1. If the heir, creditor, or devisee cannot file the final affidavit within 90 days, he shall file a report with the clerk within that time period stating his reasons. Upon determining that the heir, creditor, or devisee has good reason not to file the final affidavit within 90 days, the clerk may extend the time for filing up to one year from the date of filing the qualifying affidavit.

(b) Nothing in this section shall be construed as changing the rule of G.S. 28A-15-1 and G.S. 28A-15-5 rendering both real and personal property, without preference or priority, available for the discharge of debts and other claims against the estate of the decedent. If it appears that it may be in the best interest of the estate to sell, lease, or mortgage any real property to obtain money for the payment of debts or other claims against the decedent's estate, the affiant shall petition the clerk of superior court for the appointment of a personal representative to conclude the administration of the decedent's estate pursuant to G.S. 28A-25-5."

Sec. 5. G.S. 28A-25-4 is amended as follows:

1. In the first sentence by deleting the word "personal";

2. In the first sentence by adding after the phrase "G.S. 28A-25-1" the phrase "or 28A-25-1.1"; and

3. In the first and second sentences by adding after the word "heir" the phrase ", creditor, or devisee" in each sentence.

Sec. 6. G.S. 28A-25-5 is amended in the second sentence by deleting the phrase "personal property" and substituting the word "property".

Sec. 7. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

H.B. 1135 **CHAPTER 652**

AN ACT TO IMPROVE ENFORCEMENT OF THE COOLING-OFF PERIOD IN OFF-PREMISES SALES.

The General Assembly of North Carolina enacts:

Section 1. Article 52 of Chapter 14 of the General Statutes is amended by adding the following new section:

"§ 14-401.13. *Failure to give right to cancel in off-premises sales.*—(a) It shall be a misdemeanor, punishable by 30 days imprisonment and a one hundred dollar ($100.00) fine for any sellers, as defined hereinafter, in connection with an off-premises sale, as defined hereinafter, wilfully to:

(1) Fail to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, *e.g.*, Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in boldface type of a minimum size of 10 points, a statement in substantially the folowing form: 'You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.'

(2) Fail to furnish each buyer, at the time he signs the off-premises sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned 'NOTICE OF CANCELLATION', which shall be attached to the contract or receipt and easily detachable, and which shall contain in boldface type in a minimum size of 10 points, the following information and statements in the same language, *e.g.*, Spanish, as that used in the contract:

'NOTICE OF CANCELLATION

(enter date of transaction)

_____

(date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram, to

_____
(name of seller)

at _____
(address of seller's place of business)

not later than midnight of _____.
(date)

I hereby cancel this transaction.

_____
(date)

_____,
(buyer's signature)

(3) Fail, before furnishing copies of the 'Notice of Cancellation' to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

(4) Fail to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

(5) Misrepresent in any manner the buyer's right to cancel.

(b) Regardless of the seller's compliance or noncompliance with the requirements of the preceding subsection, it shall be a misdemeanor for any seller, as defined hereinafter, to wilfully fail or refuse to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction. If the seller failed to provide a form Notice of Cancellation to the buyer, then oral notice of cancellation by the buyer is sufficient for purposes of this subsection.

(c) For the purposes of this section, the following definitions shall apply:

(1) Off-Premises Sale. A sale, lease, or rental of consumer goods or services with a purchase price of twenty-five dollars ($25.00) or more, whether under single or multiple contracts, in which the seller or his representative personally solicits the sale, including those in response to or following an invitation by the buyer, and

the buyer's agreement or offer to purchase is made at a place other than the place of business of the seller. The term 'off-premises sale' does not include a transaction:

a. Made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis; or

b. In which the consumer is accorded the right of rescission by the provisions of the Consumer Credit Protection Act (15 U.S.C. 1635) or regulations issued pursuant thereto; or

c. In which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within three business days; or

d. Conducted and consummated entirely by mail or telephone; and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services; or

e. In which the buyer has initiated the contact and specifically requested the seller to visit his home for the purpose of repairing or performing maintenance upon the buyer's property. If in the course of such a visit, the seller sells the buyer the right to receive additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services would not fall within this exclusion; or

f. Pertaining to the sale or rental of real property, to the sale of insurance or to the sale of securities or commodities by a broker-dealer registered with the Securities and Exchange Commission.

(2) Consumer Goods or Services - Goods or services purchased, leased, or rented primarily for personal, family, or household purposes, including courses of instruction or training regardless of the purpose for which they are taken.

(3) Seller - Any person, partnership, corporation, or association engaged in the off-premises sale of consumer goods or services. However, a non-profit corporation or association, or member or employee thereof acting on behalf of such an association or corporation, shall not be a seller within the meaning of this section.

(4) Place of Business - The main or permanent branch office or local address of a seller.

(5) Purchase Price - The total price paid or to be paid for the consumer goods or services, including all interest and service charges.

(6) Business Day - Any calendar day except Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and Easter Monday."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

H.B. 1238 **CHAPTER 653**

AN ACT TO PROTECT CERTAIN CLAIMANTS FROM DISCHARGE OR DEMOTION BY EMPLOYERS FOR INSTITUTING A WORKERS' COMPENSATION CLAIM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 97-6.1(e) is rewritten to read:

"(e) The failure of an employer to continue to employ, either in employment or at the employee's previous level of employment, an employee who receives compensation for permanent total disability, or a permanent partial disability interfering with his ability to adequately perform work available, shall in no manner be deemed a violation of this section."

Sec. 2. G.S. 97-6.1(f) is rewritten to read:

"The statute of limitations for actions under this section shall be one year pursuant to G.S. 1-54."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

H.B. 1337 **CHAPTER 654**

AN ACT TO VALIDATE CERTAIN GUARDIAN SALES.

The General Assembly of North Carolina enacts:

Section 1. Article 4A of Chapter 33 of the General Statutes is amended as follows:

(1) by rewriting the heading to that Article to read: "Guardian Sales Validated."; and

(2) by adding a new section to that Article to read:

"§ 33-35.2. *Certain private sales validated.*—All private sales of real and personal property made by a guardian under Article 4 of this Chapter before June 1, 1985, that, under G.S. 1-339.36, should have been conducted as public sales because an upset bid was submitted, are validated to the same extent as if the guardian had complied with the procedures for a public sale."

Sec. 2. This act is effective upon ratification and shall not affect pending litigation.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

H.B. 1082 **CHAPTER 655**

AN ACT TO ALLOW A BOND TO RELEASE A POSSESSORY LIEN AND TO ALLOW A SPECIAL PROCEEDING FOR DISPOSAL OF ABANDONED MOTOR VEHICLES SUBJECT TO SUCH LIENS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-210 is amended by rewriting the last sentence as follows:

"The seeking of the ancillary remedy of claim and delivery or an order from the clerk of superior court for the relinquishment of property subject to a lien pursuant to G.S. 44A-4(a) does not prevent an action otherwise qualifying as a small claim under this Article from so qualifying."

Sec. 2. G.S. 7A-243(3) is amended by adding the following new sentence after the first sentence:

"Where the owner or legal possessor of property seeks recovery of property on which a lien is asserted pursuant to G.S. 44A-4(a) the amount in controversy is that portion of the asserted lien which is disputed."

Sec. 3. G.S. 7A-231 is amended by rewriting the first sentence as follows:

"The provisional and incidental remedies of claim and delivery, subpoena duces tecum, production of documents and orders for the relinquishment of property subject to a possessory lien pursuant to G.S. 44A-4(a) are obtainable in small claims actions."

Sec. 4. G.S. 44A-4(a) is amended by deleting the words "or posts bond for double such amount" from the second sentence in the second paragraph and by adding at the end of the second paragraph the following:

"The request for immediate possession may be made in the complaint, which shall also set forth the amount of the asserted lien and the portion thereof which is not in dispute, if any. If within three days after service of the summons and complaint, as the number of days is computed in G.S. 1A-1, Rule 6, the lienor does not file a contrary statement of the amount of the lien at the time of the filing of the complaint, the amount set forth in the complaint shall be deemed to be the amount of the asserted lien. The clerk may at any time disburse to the lienor that portion of the cash bond, which the plaintiff says in his complaint is not in dispute, upon application of the lienor. The magistrate or judge shall direct appropriate disbursement of the disputed or undisbursed portion of the bond in the judgment of the court. In the event an action by the owner pursuant to this section is heard in district or superior court, the substantially prevailing party in such court may be awarded a reasonable attorney's fee in the discretion of the judge."

Sec. 5. G.S. 44A-4(b)(1) is amended by adding at the end the following language:

"If the Division notifies the lienor that the registered or certified mail notice has been returned as undeliverable, the lienor may institute a special proceeding in the court where the vehicle is being held, for authorization to sell that vehicle. In such a proceeding a lienor may include more than one vehicle, but the proceeds of the sale of each shall be subject only to valid claims against that vehicle, and any excess

proceeds of the sale shall escheat to the State and be paid immediately to the treasurer for disposition pursuant to Chapter 116B of the General Statutes. A vehicle owner or possessor claiming an interest in such proceeds shall have a right of action under G.S. 116B-38.

The application to the clerk in such a special proceeding shall contain the notice of sale information set out in subsection (f) hereof. If the application is in proper form the clerk shall enter an order authorizing the sale on a date not less than 14 days therefrom, and the lienor shall cause the application and order to be sent immediately by first-class mail pursuant to G.S. 1A-1, Rule 5, to each person the Division has mailed notice to previously. Following the authorized sale the lienor shall file with the clerk a report in the form of an affidavit, stating that two or more bona fide bids on the vehicle were received, the names, addresses and bids of the bidders, and a statement of the disposition of the sale proceeds. The clerk then shall enter an order directing the Division to transfer title accordingly.

If prior to the sale the owner or legal possessor contests the sale or lien in a writing filed with the clerk, the proceeding shall be handled in accordance with G.S. 1-399."

Sec. 6. The Administrative Office of the Courts with the advice and assistance of the Attorney General shall prepare forms appropriate and necessary to meet the purposes of this act.

Sec. 7. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.

H.B. 222 **CHAPTER 656**

AN ACT TO PROVIDE BROAD-BASED TAX RELIEF TO NORTH CAROLINA CITIZENS.

The General Assembly of North Carolina enacts:

Part I.
Inheritance and Gift Taxes.

Section 1. G.S. 105-2 is amended as follows:

(1) by designating the current language of that section as subsection (a);

(2) by deleting subdivisions (7) and (7a) of subsection (a), as designated by this act; and

(3) by adding a new subsection to read:

"(b) Nontaxable property passing from one spouse to the other is includible in the deceased spouse's gross estate as follows:

(1) When real property held by a husband and wife as tenants by the entirety or as joint tenants with the right of survivorship passes to the surviving tenant upon the death of the other tenant, one-half of the fair market value of the property is includible in the deceased tenant's gross estate.

(2) When funds in a joint deposit account or corporate stocks or investment securities held by a husband and wife as joint tenants

with the right of survivorship passes to the surviving tenant upon the death of the other tenant, one-half of the amount in the deposit account and one-half of the fair market value of the stock or securities is includible in the deceased tenant's gross estate."

Sec. 2. G.S. 105-3 is amended by adding a new subdivision to read:

"(9) Property passing to the surviving spouse of a decedent."

Sec. 3. G.S. 105-4 is amended as follows:

(1) by deleting the phrase "or husband or wife of the person who died possessed of such property aforesaid," in subsection (a) of that section; and

(2) by rewriting subsection (b) of that section to read:

"(b) An inheritance tax credit in the amount specified in the following table is allowed against the tax imposed by this Article on the transfer of property to a Class A beneficiary.

For Decedents Dying on or After	*Amount of Credit*
August 1, 1985	$ 2,350
July 1, 1986	8,150
January 1, 1987	14,150
January 1, 1988	20,150
January 1, 1989	26,150

This credit is allowed to Class A beneficiaries in the following order:

(1) Children who are less than 18 years old, and children who are at least 18 years old and who are single, are unable to support themselves because of mental or physical incapacity, and either are members of the decedent's household or, because of their mental or physical incapacity, live in an institution.

(2) Other Class A beneficiaries. The status of a beneficiary is determined as of the date of the decedent's death. When two or more beneficiaries are equally entitled to the credit, the credit shall be allocated among those beneficiaries on a pro rata basis according to their tax liability. The credit allowed by this section may not exceed the amount of tax imposed by this Article."

Sec. 3.1. The second sentence of G.S. 105-22, the second paragraph of G.S. 105-23, and the second sentence of G.S. 28A-21-2(a) are each amended by deleting the phrase "one hundred thousand dollars ($100,000)" and substituting the phrase "seventy-five thousand dollars ($75,000)".

Sec. 4. G.S. 105-188(h) is amended by changing the period at the end of subdivision (3) to a semicolon and adding the word "or" after that semicolon, and by adding a new subdivision to read:

"(4) To one spouse from the other spouse."

Sec. 5. G.S. 105-188(f)(1) is amended by rewriting that part of the subdivision preceding the colon to read:

"Where the donee is the lineal issue, lineal ancestor, adopted child, or stepchild of the donor (for each one hundred dollars ($100.00) or fraction thereof)".

Sec. 6. G.S. 105-188(g) is amended by deleting the phrase "thirty thousand dollars ($30,000)" and substituting the phrase "one hundred thousand dollars ($100,000)".

Part II.
Income Taxes.

Sec. 7. G.S. 105-2.1, 105-114, 105-130.2(1), 105-135(15), 105-163.1(11), and 105-212 are each amended by deleting the date "April 1, 1983" and substituting the date "December 31, 1984".

Sec. 8. G.S. 105-151.11(a) is amended by deleting the second and third sentences of that subsection.

Sec. 9. G.S. 105-151.11(b)(2) is amended by adding a new sentence to read:

"The term includes expenses incurred for services outside the taxpayer's household if the expenses incurred are for the care of a qualifying individual described in (b)(1)a. or a qualifying individual described in (b)(1)b. or c. who regularly spends at least eight hours each day in the taxpayer's household."

Sec. 10. G.S. 105-151.11 is amended by inserting a new subsection between subsections (b) and (c) to read:

"(b1) The amount of employment-related expenses for which a credit may be claimed may not exceed two thousand four hundred dollars ($2,400) if the taxpayer's household includes one qualifying individual, and may not exceed four thousand eight hundred dollars ($4,800) if the taxpayer's household includes more than one qualifying individual."

Sec. 11. G.S. 105-151.11 is amended by deleting the reference "G.S. 105-149(5)" each time it appears in that section and substituting the reference "G.S. 105-149(a)(5)".

Sec. 12. Division II of Article 4 of Chapter 105 of the General Statutes is amended by adding a new section to read:

"§ 105-151.15. *General credit for individuals with low or moderate incomes.*—(a) Credit. Except as provided in subsection (b), an individual whose net taxable income for the taxable year falls into one of the income brackets in the table below is allowed a credit against the tax imposed by this Division equal to the figure shown in the table for his income bracket. This credit may not exceed the amount of tax imposed on the individual by this Division for the taxable year, reduced by the sum of all credits allowed the individual under this Division, except tax payments made by or on behalf of the individual.

Net Taxable Income	*Amount of Credit*
$ 0- 5,000	$25
5,001-10,000	20
10,001-15,000	15

(b) Restrictions. The following individuals may not claim the credit allowed by this section:

(1) An individual who was not a resident of this State and did not live in this State for at least half the taxable year;

(2) An individual who received assistance under the Food Stamp Program, 7 U.S.C. § 51, for the entire taxable year;

(3) An individual who was an inpatient at a hospital facility, as defined in G.S. 131E-16, for at least half the taxable year;

(4) An individual who was in jail or in other official detention for at least half the taxable year; and

(5) An individual who may be claimed as a dependent by another under G.S. 105-149(a)(5).

(c) 'Net Taxable Income' Defined. As used in this section, 'net taxable income' means net income less the amount of any personal exemptions allowed the individual."

Sec. 13. Article 4 of Chapter 105 of the General Statutes is amended as follows:

(1) by rewriting the heading to Division IV of that Article to read: "INCOME TAX CREDITS FOR PROPERTY TAXES.";

(2) by deleting the designation "DIVISION V. POULTRY OR LIVESTOCK PRODUCER'S INCOME TAX CREDIT." preceding G.S. 105-163.05 to include G.S. 105-163.05 in Division IV of that Article; and

(3) by adding the following sections to Division IV of that Article, as amended by this act, to read:

"§ 105-163.06. *Income tax credit for property taxes paid by manufacturers on their inventories.*—(a) Credit. Every manufacturer in this State is allowed a credit against the income tax imposed by this Article equal to twenty percent (20%) of the amount of property taxes paid by the manufacturer during the taxable year upon its inventories located at an establishment or at a retail outlet of the manufacturer on the premises of an establishment. A manufacturer who claims a tax credit under this subsection may not claim a credit under G.S. 105-163.03.

(b) One-Year Limit. Except for a carry-over of a credit of a prior year's property taxes, a credit allowed under this section applies only to one year's property taxes.

"§ 105-163.07. *Individual income tax credit for property taxes paid on farm machinery by individuals and certain corporations.*—An individual farmer, or a corporation that is engaged in the business of farming and has elected to be treated as an 'S corporation' under the Code, that pays property taxes on farm machinery, or attachments and repair parts for farm machinery, is allowed a credit, not to exceed one thousand dollars ($1,000), against the income tax imposed by this Article equal to the amount of property taxes paid, at par by that individual or corporation during the taxable year, on the farm machinery and attachments and repair parts for the machinery. As used in this section, 'farm machinery' means machinery that:

(1) Is used in planting, cultivating, harvesting, or curing farm crops or in producing dairy products, poultry, eggs, or livestock; and

(2) Is subject to State sales tax at the rate of one percent (1%) under G.S. 105-164.4(1)g.

"§ 105-163.08. *Limit on credit; carry-over of excess credit.*—A credit allowed by this Division may not exceed the amount of tax imposed on the taxpayer by this Article for the taxable year, reduced by the sum of all credits allowed the taxpayer under this Article, except tax payments made by or on behalf of the taxpayer. If a credit allowed by a section of this Division, other than G.S. 105-163.07, exceeds the income tax due for the taxable year, the excess credit may be carried forward for the next five succeeding taxable years. A carry-over of a credit shall be applied

against the tax liability of the taxpayer for the earliest taxable year possible and to its maximum extent before any excess credit may be carried forward to a later taxable year.

"§ 105-163.09. *Miscellaneous provisions governing tax credits.*—(a) Adjustment. If part or all of the property taxes used in calculating a credit allowed by this Division is credited or refunded to a taxpayer by the taxing unit that imposed the tax, the taxpayer shall notify the Secretary of Revenue within 90 days, who shall recompute the credit allowed under this Division and make any resulting adjustment of income tax for the taxable year for which the credit was claimed. Any additional tax found to be due therefor shall be assessed as provided in G.S. 105-241.1.

(b) Application. To obtain a credit allowed by this Division, the taxpayer shall attach to the income tax return on which the credit is claimed a copy of the tax receipt for these taxes. The receipt shall indicate that the taxes for which the credit is claimed have been paid and the amount and date of the payment.

(c) Partners. A taxpayer who is a member of a partnership engaged in business in this State shall be allowed a credit against the income tax imposed on him by this Article equal to the amount of any tax credit available to the partnership under this Division, multiplied by the percentage interest of the taxpayer in the profits of the partnership for the taxable year."

Sec. 14. G.S. 105-163.01 is deleted.

Sec. 15. G.S. 105-163.02 is amended as follows:

(1) by rewriting subdivisions (4), (6), and (8) to read:

"(4) 'Finished goods' means articles of tangible personal property that are ready for sale. When applied to a manufacturer who claims a credit under G.S. 105-163.03, the term includes articles of tangible personal property that are ready for shipment outside the State and are to be further manufactured outside the State by the same manufacturer.

(6) 'Inventories' has the same meaning as in G.S. 105-273(8a).

(8) 'Property taxes' means the principal amount of taxes levied and assessed by a taxing unit under the Machinery Act. It does not include costs, penalties, interest, or other charges that may be added to the principal amount.";

(2) by deleting the words "this Division" each time they appear in subdivision (7) and substituting the phrase "G.S. 105-163.03"; and

(3) by deleting subdivision (12) and adding the following subdivisions to read:

"(12) 'Taxpayer' means an individual, a person, a firm, a corporation, or another entity subject to income tax under this Article.

(13) 'Taxing unit' has the same meaning as in G.S. 105-273(16)."

Sec. 16. G.S. 105-163.03 is amended as follows:

(1) by rewriting the catch line to that section to read:

"*Income tax credit for property taxes paid by manufacturers on qualifying inventories*";.

(2) by deleting the phrase "'total property tax'" in subdivision (a)(8) and substituting the phrase "amount of property taxes paid";

(3) by deleting the second and third sentences of subdivision (b); and

(4) by deleting subsection (c).

Sec. 17. G.S. 105-163.04 is amended by deleting the word "Manufacturer" or "manufacturer" each time it appears and substituting the word "Taxpayer" or "taxpayer" respectively.

Sec. 18. G.S. 105-163.05 is amended as follows:

(1) by deleting the second and third sentences of subsection (b); and

(2) by deleting subsection (c).

Sec. 19. G.S. 105-163.02, 105-163.03, 105-163.04, and 105-163.05 are each amended by deleting the phrase "counties and municipalities" each time it appears and substituting the phrase "taxing units".

Sec. 20. G.S. 105-273 is amended by adding a new subdivision in the proper alphabetical order to read:

"(8a) 'Inventories' means goods held for sale in the regular course of business, raw materials, goods in process of manufacture or processing, and other goods and materials that are used or consumed in the manufacture or processing of tangible personal property for sale or that accompany and become a part of the property as sold. The term does not include fuel used in manufacturing or processing."

Sec. 21. G.S. 105-285(c) is amended by deleting the last paragraph of that subsection.

Sec. 22. G.S. 105-289.1 is amended as follows:

(1) by rewriting the first sentence of subsection (a) to read:

"In supervising the appraisal of property, the Department of Revenue may review the appraisal of inventories and qualifying inventories of taxpayers eligible for an income tax credit under Division IV of Article 4 of this Chapter.";

(2) by rewriting the last sentence of subsection (a) to read:

"Notwithstanding G.S. 105-381, if the taxpayer has overpaid the tax due as recalculated, the taxing unit shall refund the overpayment as follows:

(1) The taxing unit shall refund the overpayment to the taxpayer if the taxpayer did not receive a credit for part or all of the tax under Division IV of Article 4 of this Chapter.

(2) The taxing unit shall refund the overpayment to the Secretary of Revenue if the taxpayer received a credit for all of the tax under Division IV of Article 4 of this Chapter.

(3) The taxing unit shall refund the overpayment to the Secretary of Revenue and the taxpayer, in proportion to the percentage credit allowed for the tax, if the taxpayer received a credit for a percentage of the tax under Division IV of Article 4 of this Chapter."; and

(3) by deleting the word "manufacturer" in subsection (b) and substituting the word "taxpayer".

Sec. 23. G.S. 105-320(a) is amended by adding two new subdivisions at the end to read:

"(14) The total assessed value of the taxpayer's inventories.

(15) The amount of ad valorem tax due by the taxpayer upon inventories."

Sec. 23.1. G.S. 105-163.06(a), as enacted by this act, is amended by deleting the phrase "twenty percent (20%)" and substituting the phrase "forty percent (40%)".

Part III.
Sales and Use Taxes.

Sec. 24. G.S. 105-164.13(18) is amended by deleting the phrase "one hundred fifty dollars ($150.00)" and substituting the phrase "one thousand five hundred dollars ($1,500)".

Sec. 25. G.S. 105-164.13 is amended by adding two new subdivisions to read:

"(38) Food and other items lawfully purchased with coupons issued under the Food Stamp Program, 7 U.S.C. § 51, and supplemental foods lawfully purchased with a food instrument issued under the Special Supplemental Food Program, 42 U.S.C. § 1786.

"(39) Sales of paper, ink, and other tangible personal property to commercial printers and commercial publishers for use as ingredient or component parts of free circulation publications, and sales by printers of free circulation publications to the publishers of these publications. As used in this subdivision, the term 'free circulation publications' means shoppers' guides that:

(1) Are published on a periodic basis at recurring intervals;
(2) Are mailed or are distributed house-to-house, by street distributors, in racks, or in any other manner at other locations without charge to the recipient;
(3) Contain advertising of a general nature; and
(4) Make space available to all advertisers for the purpose of inducing readers to purchase the goods and services of the advertisers.

The term does not include house organs or trade, professional, or similar types of publications. The ratio of news to advertising in a publication is not a factor in determining whether the publication is a free circulation publication."

Sec. 26. G.S. 105-164.16 is rewritten to read:

"§ 105-164.16. *Report and payment of taxes.*—(a) Payment. Taxes levied under this Article are due when a return is required to be filed. Every taxpayer liable for the tax imposed by this Article shall, within the specified time after the end of the appropriate reporting period, submit a return to the Secretary, on a form prescribed by the Secretary, stating the taxpayer's gross sales for the reporting period, the amount and type of sales made in the period that are exempt from tax under G.S. 105-164.13 or are elsewhere excluded from tax, the amount of tax due, and any other information required by the Secretary. Each return shall be accompanied by a payment to the Secretary for the amount of taxes shown to be due on the return and shall be signed by the taxpayer or his agent. Returns that do not contain the required information shall not be accepted. When an unacceptable return is submitted, the Secretary shall require a corrected return to be filed.

(b) General Reporting Periods. Returns of taxpayers who are required to report on a monthly or quarterly basis are due within 15 days after the end of each monthly or quarterly period. Returns of taxpayers who are required to report on a bimonthly basis are due within 10 days after the end of each bimonthly period.

A taxpayer who is consistently liable for less than twenty-five dollars ($25.00) a month in State and local sales and use taxes may, with the

approval of the Secretary, file a return on a quarterly basis. A taxpayer who is consistently liable for at least twenty thousand dollars ($20,000) a month in State and local sales and use taxes shall, when directed to do so by the Secretary, file a return on a bimonthly basis. All other taxpayers shall file a return on a monthly basis. Quarterly reporting periods end on the last day of March, June, September, and December; monthly reporting periods end on the last day of the month; and bimonthly reporting periods end on the 15th of each month and the last day of each month.

The Secretary shall monitor the amount of tax remitted by a taxpayer and shall direct a taxpayer who consistently remits at least twenty thousand dollars ($20,000) each month to file a return on a bimonthly basis. In determining the amount of tax due from a taxpayer for a reporting period the Secretary shall consider the total amount due from all places of business owned or operated by the same person as the amount due from that person.

(c) Sales Tax on Utility Services. Taxes levied under G.S. 105-164.4(4a) are due and payable quarterly on or before the 30th day following the end of the calendar quarter in which the tax accrues."

Sec. 27. G.S. 105-164.17 is amended by deleting the words "month or quarter" each time they appear in that section and substituting the words "reporting period".

Sec. 28. The last sentence of G.S. 105-164.21(a) is amended by deleting the words "monthly or quarterly".

Sec. 29. G.S. 105-164.41 is amended by deleting the words "monthly or quarterly" each time they appear in that section.

Sec. 30. The first sentence of G.S. 105-164.19 is amended by deleting the phrase "beyond the fifteenth day of the month next succeeding" and substituting the phrase "for more than 30 days after".

Sec. 30.1. Of the State sales and use tax revenue collected during fiscal year 1985-86, the sum of twenty-eight million six hundred thousand ($28,600,000) shall be used only for nonrecurring expenditures.

Sec. 31. Division VIII of Article 5 of Chapter 105 of the General Statutes is amended by adding a new section to read:

"§ 105-164.45. *Reimbursement for sales taxes on food stamp foods and supplemental foods.*—As soon as practicable after July 1 of each year, the Secretary shall determine from available information the amount of local sales taxes that would have been collected in each county during the preceding fiscal year, on foods purchased with food stamp coupons or supplemental food instruments in the county, had these foods not been exempt from tax under G.S. 105-164.13(38). The Secretary shall then distribute the amounts determined to be due each county between the county and the cities located in the county in accordance with the method by which local sales and use taxes are distributed in that county."

Part IV.
Property Taxes.

Sec. 32. G.S. 105-199, 105-200, and 105-205 are repealed. Any taxes collected pursuant to G.S. 105-199, 105-200, or 105-205 on or after July 1, 1985, shall remain in the General Fund, and any refunds made on or after

July 1, 1985, of taxes collected pursuant to G.S. 105-199, 105-200, or 105-205 shall be charged against the General Fund.

Sec. 33. G.S. 105-202 is amended as follows:

(1) by deleting the phrase "demands, claims, deposits or share accounts in out-of-state building and loan and savings and loan associations" in the first sentence of that section; and

(2) by deleting the phrase "demands, claims" in the first, second, and fourth paragraphs of that section.

Sec. 34. The first sentence of the third paragraph of G.S. 105-213(a), which begins with the words "The net amount after such deductions" and ends with the words "State Budget Officer" is rewritten to read:

"The Secretary shall allocate the net amount of taxes collected under this Article, less the deductions enumerated above, to the counties according to the county in which the taxes were collected."

Sec. 35. G.S. 105-212 is amended by deleting the second and fifth paragraphs of that section.

Sec. 36. G.S. 105-214 is rewritten to read:

"§ 105-214. *Minimum tax for filing return.*—A taxpayer whose tax liability under this Article for a taxable year does not exceed the sum of fifteen dollars ($15.00) is not required to file a return for that year."

Sec. 37. G.S. 105-275 is amended by adding a new subdivision to read:

"(30) Money, whether on hand or on deposit at a bank, a credit union, a savings and loan association, or an insurance company."

Sec. 38. The first sentence of G.S. 105-276 is rewritten to read:

"Intangible personal property that is not excluded from taxation under G.S. 105-275(30) or classified under Schedule H, G.S. 105-198 through G.S. 105-217, is subject to this subchapter."

Sec. 39. G.S. 105-120.2(d) is repealed.

Sec. 40. G.S. 105-122(d) is amended as follows:

(1) by deleting the phrase ", except for bank deposits subject to tax under the provisions of G.S. 105-199," in the fourth sentence of the first paragraph of that subsection;

(2) by deleting the fifth sentence of the first paragraph of that subsection; and

(3) by deleting the second paragraph of that subsection.

Sec. 41. Article 7 of Chapter 105 is amended by adding a new section to read:

"§ 105-213.1. *Additional distribution to counties and municipalities.*—(a) Distribution. As soon as practicable after July 1 of 1986, the Secretary of Revenue shall allocate for distribution to each county and the municipalities located in the county the amount allocated to that county from taxes levied under G.S. 105-199, 105-200, and 105-205 for the last taxable year in which these taxes were levied, plus or minus a sum that equals the product of this amount and the percentage by which State disposable personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce.

Thereafter, as soon as practicable after July 1 of each year, the Secretary shall allocate to each county the amount of funds allocated to

the county under this section the preceding year, plus or minus a sum that equals the product of this amount and the percentage by which State disposable personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce.

Amounts allocated to a county under this section shall in turn be divided and distributed between the county and the municipalities located in the county in accordance with the method of allocating intangible tax revenue between a county and the municipalities located in the county provided in G.S. 105-213.

(b) Restrictions on use. Amounts distributed to a county or a municipality under this section are subject to the same restrictions as amounts distributed under G.S. 105-213.

(c) Municipality Defined. As used in this section, the term 'municipality' has the same meaning as in G.S. 105-213.

(d) Source. Amounts distributed under this section shall be charged to individual income tax collections."

Sec. 42. G.S. 105-201 is amended as follow:

(1) by inserting between the phrase "State," and the word "shall" in the first sentence of that section the phrase: "other than credit balances on accounts with investment brokers or security dealers,"; and

(2) by rewriting the fourth paragraph of that section to read:

"The term 'accounts payable' as used in this section includes notes payable that are made for a term of one year or less and are not claimed as a deduction under G.S. 105-202."

Sec. 43. G.S. 105-213(a) is amended by inserting a new sentence between the first and second sentences of the third paragraph of that subsection, as amended by this act, to read:

"The Secretary shall then increase the amount allocable to each county by a sum equal to forty percent (40%) of the amount of tax on accounts receivable allocated to the county on the basis of collections."

Sec. 44. G.S. 105-277.1 is amended by deleting the phrase "eight thousand five hundred dollars ($8,500)" each time it appears and substituting the phrase "ten thousand dollars ($10,000)".

Sec. 45. G.S. 105-277.1(a)(2) is amended by deleting the phrase "nine thousand dollars ($9,000)" and substituting the phrase "ten thousand dollars ($10,000)".

Sec. 46. G.S. 105-277.1A(d) is amended by deleting the phrase "fifteen percent (15%)" and substituting the phrase "thirty-five percent (35%)".

Sec. 47. G.S. 105-309(f) is amended by deleting the phrase "eight thousand five hundred dollars ($8,500)" and substituting the phrase "ten thousand dollars ($10,000)", and by deleting the phrase "nine thousand dollars ($9,000)" and substituting the phrase "ten thousand dollars ($10,000)".

Sec. 48. G.S. 105-277.1 is amended by deleting the phrase "ten thousand dollars ($10,000)" the first time it appears in subsection (a) and when it appears in subsection (b) and by substituting the phrase "twelve thousand dollars ($12,000)".

Sec. 49. G.S. 105-277.1(a)(2) is amended by deleting the phrase "ten thousand dollars ($10,000)" and substituting the phrase "eleven thousand dollars ($11,000)".

Sec. 50. G.S. 105-277.1A(d) is amended by deleting the phrase "thirty-five percent (35%)" and substituting the phrase "fifty percent (50%)".

Sec. 51. G.S. 105-309(f) is amended by deleting the phrase "ten thousand dollars ($10,000)" the first time it appears and substituting the phrase "twelve thousand dollars ($12,000)", and by deleting the phrase "ten thousand dollars ($10,000)" the second and third times it appears and substituting the phrase "eleven thousand dollars ($11,000)".

Sec. 52. G.S. 105-277 is amended by adding a new subsection to read:

"(i) Retailers' and Wholesalers' Inventories. Tangible personal property in the inventories of a retailer or wholesaler is designated a special class of property pursuant to Article V, § 2(2) of the North Carolina Constitution and is taxable at ninety percent (90%) of the rate levied on other tangible personal property by the taxing unit in which the property is situated."

Sec. 52.1. G.S. 105-277(i), as enacted by this act, is amended by deleting the phrase "ninety percent (90%)" and substituting the phrase "eighty percent (80%)".

Sec. 53. Article 12 of Chapter 105 of the General Statutes is amended by adding a new section between G.S. 105-277 and 105-277.01 to read:

"§ 105-277A. *Reimbursement for partial exclusion of retailers' and wholesalers' inventories.*—(a) The Secretary of Revenue shall reimburse taxing units for the partial property tax exclusion provided for retailers' and wholesalers' inventories as provided in this section. As soon as practicable after January 1 of 1987, the Secretary shall distribute to each taxing unit the unit's per capita share of the sum of nine million six hundred thousand dollars ($9,600,000). As soon as practicable after January 1 of 1988, the Secretary shall distribute to each taxing unit the unit's per capita share of the sum of twenty million eight hundred thousand dollars ($20,800,000). Thereafter, as soon as practicable after January 1 of each year the Secretary shall distribute to each taxing unit the unit's per capita share of the sum distributed to all taxing units the previous year, plus or minus an amount that equals the product of the sum distributed the previous year and the percentage by which State disposable personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce.

To make the per capita distributions required by this section, the Secretary shall first allocate the sum to be distributed among the counties on a per capita basis. The Secretary shall then compute a per capita distributable amount for each county by dividing the amount allocated to a county by the total population of the county, plus the population of any incorporated towns and cities located in the county. Each taxing unit in a county, including the county itself, shall receive the product of the population of the taxing unit and the per capita distributable amount for that county. The Secretary shall use the most recent annual population

estimates certified by the State Budget Officer in determining the population of taxing units.

(b) Funds received by a county or city pursuant to this section because the county or city was collecting taxes for another unit of government or special district shall be credited to the funds of that other unit or district in accordance with regulations issued by the Local Government Commission.

(c) To pay for the reimbursement under this section and the cost to the Department of Revenue for administering the reimbursement, the Secretary of Revenue may withhold from net collections received by the Department under Article 4 of Chapter 105 an amount equal to the reimbursement and the cost of administering the reimbursement."

Part V.
Fuel Taxes.

Sec. 54. G.S. 105-446.5 is amended by rewriting the catch line to that section and subsection (a) of that section to read:

"§ 105-446.5. *Refund of taxes paid on motor fuel used by concrete mixing vehicles, solid waste compacting vehicles, and certain agricultural delivery vehicles.*—(a) Refund. A person who purchases and uses motor fuel in one of the vehicles listed below may receive a refund for the amount of fuel consumed by the vehicle of thirty-three and one-third percent (33 ⅓%) of eleven cents (11¢) per gallon of the tax levied under this Article:

(1) A concrete mixing vehicle;
(2) A solid waste compacting vehicle;
(3) A bulk feed vehicle that delivers feed to poultry or livestock and uses a power take-off to unload the feed; and
(4) A vehicle that delivers lime or fertilizer in bulk to farms and uses a power take-off to unload the lime or fertilizer.

This refund is allowed for the amount of fuel consumed by the vehicle in its mixing, compacting, or unloading operations, as distinguished from propelling the vehicle, which amount is considered to be one-third of the amount of fuel consumed by the vehicle."

Part VI.
Name of Act and Effective Dates.

Sec. 55. This act shall be known as the "Tax Reduction Act of 1985".

Sec. 56. This act does not affect the rights or liabilities of the State or a taxpayer arising under a section amended or repealed by this act before its amendment or repeal; nor does it affect the right to any refund or credit of a tax, such as the franchise tax credit under G.S. 105-120.2(d) or 105-122(d), that would otherwise have been available under a section amended or repealed by this act before its amendment or repeal.

Sec. 57. Sections 1 through 3.1 of this act shall become effective August 1, 1985, and shall apply to the estates of decedents dying on or after that date. Sections 4 through 6 shall become effective January 1, 1986, and shall apply to gifts or transfers made on or after that date. Sections 7 through 11 are effective for taxable years beginning on or after

January 1, 1985. Sections 12 through 23 are effective for taxable years beginning on or after January 1, 1986. Section 23.1 shall become effective for taxable years beginning on or after January 1, 1987. Section 24 shall become effective July 1, 1986. Section 25 shall become effective October 1, 1985. Sections 26 through 30.1 shall become effective August 1, 1985, and shall apply to remittances of sales and use taxes collected on or after that date. Section 31 shall become effective July 1, 1986. Sections 32 through 40 are effective for taxable years beginning on or after January 1, 1985. Section 41 shall become effective July 1, 1986. Section 42 is effective for taxable years beginning on or after January 1, 1985. Section 43 shall become effective July 1, 1986. Sections 44 through 47 are effective for taxable years beginning on or after January 1, 1986. Sections 48 through 51 are effective for taxable years beginning on or after January 1, 1987. Section 52 is effective for taxable years beginning on or after January 1, 1986. Section 52.1 shall become effective for taxable years beginning on or after January 1, 1987. Section 53 shall become effective January 1, 1987. Section 54 is effective upon ratification and applies to taxes on motor fuel purchased on or after January 1, 1985. Sections 55, 56, and 57 are effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.

H.B. 189 **CHAPTER 657**

AN ACT FOR SPECIAL REGISTRATION PLATES FOR DISABLED VETERANS WHO ARE NOT ONE HUNDRED PERCENT DISABLED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-81.4 is amended by adding a new subsection to read:

"(e) A disabled veteran who is rated as less than one hundred percent (100%) service-connected disabled may, upon the payment of registration and license fees for a private motor vehicle or pickup truck not exceeding a gross weight of 4,000 pounds owned by him, and an additional fee of ten dollars ($10.00), obtain a registration plate provided for in subsection (d) of this section. The registration plate provided for by this subsection shall be issued to disabled veterans only upon proof of disabled status as evidenced by receipt of a federal military disability pension or possession of an identification card showing eligibility for medical treatment by the Veterans Administration due to a service-connected disability."

Sec. 2. G.S. 20-81.4(a) is amended by adding on line seven after the words "Vietnam Service," the words "or as a result of international terrorist activities"; and further on lines 7 and 8 by deleting the words "military, naval, marines or air service" and substituting in lieu thereof the following "armed forces"; and further on lines 12 and 13 by deleting the words "military, naval, marine or air service" and substituting in lieu thereof the following "duty in the armed forces".

Sec. 3. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.

H.B. 665 **CHAPTER 658**

AN ACT TO AMEND ARTICLE VI AND CHAPTER 108A REGARDING PROTECTION OF THE ABUSED, NEGLECTED OR EXPLOITED DISABLED ADULT ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 108A-103(a) is hereby rewritten to read as follows:

"Any director receiving a report that a disabled adult is in need of protective services shall make a prompt and thorough evaluation to determine whether the disabled adult is in need of protective services and what services are needed. The evaluation shall include a visit to the person and consultation with others having knowledge of the facts of the particular case. When necessary for a complete evaluation of the report, the director shall have the authority to review and copy any and all records, or any part of such records, related to the care and treatment of the disabled adult that have been maintained by any individual, facility or agency acting as a caretaker for the disabled adult. This shall include but not be limited to records maintained by facilities licensed by the North Carolina Department of Human Resources. Use of information so obtained shall be subject to and governed by the provisions of G.S. 108A-80 and G.S. 122-8.1. The director shall have the authority to conduct an interview with the disabled adult with no other persons present. After completing the evaluation the director shall make a written report of the case indicating whether he believes protective services are needed and shall notify the individual making the report of his determination as to whether the disabled adult needs protective services."

Sec. 2. G.S. 108A-105(c) is amended by deleting the language "G.S. 33-7" wherever it appears and substituting "or Article 2."

Sec. 3. G.S. 108A-106(d) is amended to read as follows:

"Notice of the filing of such petition and other relevant information, including the factual basis of the belief that emergency services are needed and a description of the exact services to be rendered shall be given to the person, to his spouse, or if none, to his adult children or next of kin, to his guardian, if any. Such notice shall be given at least 24 hours prior to the hearing of the petition for emergency intervention; provided, however, that the court may issue immediate emergency order *ex parte* upon finding as fact (i) that the conditions specified in G.S. 108A-106(a) exist; (ii) that there is likelihood that the disabled adult may suffer irreparable injury or death if such order be delayed; and (iii) that reasonable attempts have been made to locate interested parties and secure from them such services or their consent to petitioner's provision of such service; and such order shall contain a show-cause notice to each person upon whom served directing such person to appear immediately or at any time up to and including the time for the hearing of the petition for emergency services and show cause, if any exists, for the dissolution or modification of the said order. Copies of the said order together with such other appropriate notices as the court may direct shall be issued and served upon all of the interested parties designated in the first sentence of this subsection. Unless dissolved by the court for good cause shown, the

emergency order *ex parte* shall be in effect until the hearing is held on the petition for emergency services. At such hearing, if the court determines that the emergency continues to exist, the court may order the provision of emergency services in accordance with subsections (a) and (b) of this section."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.

H.B. 679 **CHAPTER 659**

AN ACT TO AMEND CHAPTER 54B OF THE GENERAL STATUTES TO MAKE TECHNICAL CHANGES RELATING TO SAVINGS AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 54B-4(b)(10) and (26) are repealed.

Sec. 2. G.S. 54B-8 is amended by:

(a) repealing subsection (b); and

(b) deleting from the second sentence of subsection (c) the words "or foreign association" and deleting the comma between the words "State" and "federal" and inserting in lieu thereof the word "or".

Sec. 3. G.S. 54B-12(b)(9) is rewritten to read:

"(9) The character, general fitness, and trustworthiness of the incorporators, initial board of directors, and initial stockholders of the proposed association are such as to command the confidence of the community in which the proposed association intends to locate."

Sec. 4. G.S. 54B-31(4) is amended by deleting from the first sentence the words "and the approval of the conversion by the federal authority, and by the insuring corporation".

Sec. 5. G.S. 54B-35(4) is rewritten to read as follows:

"(4) At separate meetings of the members or stockholders of the respective associations, the members or stockholders may adopt, by an affirmative vote of a majority of the votes or shares present, in person or by proxy, a resolution to merge into a single association upon the terms of the merger agreement as shall have been agreed upon by the directors of the respective associations and as approved by the Administrator. Upon the adoption of the resolution, a copy of the minutes of the proceedings of the meetings of the members or stockholders of the respective associations, certified by the president or vice-president and secretary or assistant secretary of the merging associations, shall be filed in the office of the Administrator, within 10 days after such meetings. Within 15 days after the receipt of a certified copy of the minutes of such meetings the Administrator shall either approve or disapprove the proceedings for compliance with this section. If the proceedings are approved by him, he shall issue a certificate of his approval of the merger and send it to each of the associations. The certificate shall be filed and recorded in the office of the Secretary of State. When the certificate is so filed, the merger agreement shall take effect according to its terms and shall be binding upon all the members or stockholders of the associations merging, and it

shall be deemed to be the act of merger of such constituent savings and loan associations under the laws of this State, and the certificate or certified copy thereof shall be evidence of the agreement and act of merger of the savings and loan associations and the observance and performance of all acts and conditions necessary to have been observed and performed precedent to such merger. Within 60 days after its receipt from the Secretary of State, the certified copy of the certificate shall be filed with the register of deeds of the county or counties in which the respective associations so merged have recorded their original certificates of incorporation. Failure to so file shall only subject the association to a penalty of one hundred dollars ($100.00) to be collected by the Secretary of State. The only fees that shall be collected in connection with the merger of the associations shall be filing and recording fees. If the Administrator disapproves the proceedings, he shall mark the certified copies of the meetings in his office as disapproved and notify the associations to that effect. Such disapproval may be appealed by the association to the Commission."

Sec. 6. G.S. 54B-36 is amended by adding after subsection (b) a new subsection reading as follows:

"(b1) Nothing in this section shall be construed to prevent a simultaneous merger-conversion in subsections (a) and (b) of this section."

Sec. 7. G.S. 54B-37 is amended by adding after subsection (b) a new subsection reading as follows:

"(b1) Nothing in this section shall be construed to prevent a simultaneous conversion-merger in subsections (a) and (b) of this section."

Sec. 8. G.S. 54B-38 is repealed.

Sec. 9. Chapter 54B of the General Statutes is amended by:

(a) adding after G.S. 54B-4(b)(32) a new subdivision (32.1) to read:

"(32.1) 'Interim association' means an association formed to facilitate the acquisition of one hundred percent (100%) of the voting shares of an existing stock association by a newly formed association or an existing savings and loan holding company or to facilitate any other transaction the Administrator may approve."; and

(b) adding a new Section 54B-45 reading as follows:

"§ 54B-45. *Interim Associations.*—(a) Article 2 of this Chapter shall not apply to applications for permission to organize an interim State association so long as the application is approved by the Administrator.

(b) Preliminary approval of an application for permission to organize an interim State association shall be conditional upon the Administrator's approval of an application to merge the interim association and an existing stock association or on the Administrator's approval of any other transaction.

(c) The Administrator shall promulgate rules and regulations to govern the formation of interim associations authorized by this section."

Sec. 10. G.S. 54B-57(a)(2) is amended by deleting the words "and all fees associated with foreign associations".

Sec. 11. G.S. 54B-74 is rewritten to read:

"§ 54B-74. *Annual license fees.*—All State associations shall pay an annual license fee set by the Administrator, subject to the advice and

consent of the Commission. Such license fee shall be used to defray the expenses incurred by the Division in supervising State associations. The Administrator may license each State association upon receipt of the license fee and filing of an application in such form as the Administrator may prescribe."

Sec. 12. G.S. 54B-75 is rewritten to read:

"§ 54B-75. *Statement; fees.*—Every State association shall file in the office of the Administrator, on or before the first day of February in each year, in such form as the Administrator shall prescribe, a statement of the business standing and financial condition of such association on the preceding 31st day of December. This statement shall be signed and sworn to by the secretary of the association before a notary public. The statement shall be accompanied by a filing fee set by the Administrator, subject to the advice and consent of the Commission. The filing fees shall be used to defray the expenses incurred by the Division in supervising State associations."

Sec. 13. Article 4 of Chapter 54B of the General Statutes is amended by adding a new Section 54B-78 to read:

"§ 54B-78. *Prohibited practices.*—Any person or association who shall engage in any of the following acts or practices shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court:

(1) Defamation: Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral, written, or printed statement which is false regarding the financial condition of any association.

(2) False information and advertising: Making, publishing, disseminating, or circulating or causing, directly or indirectly, to be made published, disseminated, circulated, or otherwise placed before the public in any publication, media, notice, pamphlet, letter, poster, or any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the savings and loan business or with respect to any person in the conduct of the savings and loan business which is untrue, deceptive, or misleading."

Sec. 14. G.S. 54B-164 is amended by designating the present language as subsection (a) and adding a new subsection (b) reading as follows:

"(b) Notwithstanding any other provision of law, in order to protect the public, including members, depositors, and stockholders of a State association, the Administrator may establish limits on loans to any one borrower if he finds that a State association is operating with unsafe and unsound lending practices. The Administrator shall promulgate rules and regulations to govern the establishment of the limits authorized by this section."

Sec. 15. G.S. 54B-236 is amended by deleting the phrase "Article 10, Subchapter III" and substituting "Articles 14A to 14L".

Sec. 16. G.S. 54B-261 is amended by:

(a) adding a new subsection (a) reading as follows:

"(a) Notwithstanding any other provision of law, any stock association may simultaneously with its incorporation or conversion to a stock association provide for its ownership by a savings and loan holding company. In the case of a conversion, members of the converting association shall have the right to purchase capital stock of the holding company in lieu of capital stock of the converted association in accordance with G.S. 54B-33(c)(6)."; and

(b) renumbering subsection (a) as subsection (a1).

Sec. 17. G.S. 54B-20(a) is amended by inserting in the last sentence the words "by the Administrator" after the word "certified" and before the words "and recorded."

Sec. 18. G.S. 54B-44(a) is amended by inserting in the first sentence the words ", or any other transaction," before the words "as to which the finding is made."

Sec. 19. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.

H.B. 713 **CHAPTER 660**

AN ACT TO PROVIDE THAT VESTED BENEFITS UNDER THE NORTH CAROLINA PUBLIC EMPLOYEE DEFERRED COMPENSATION PLAN ARE NONFORFEITABLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-20(b)(1) and 50-20(b)(3) are amended by deleting the phrase "pension and retirement", wherever found, and by substituting the phrase "pension, retirement, and other deferred compensation".

Sec. 2. G.S. 50-20(b)(2), 50-20(c)(5), and 110-136(a) are amended by deleting the phrase "pension or retirement", wherever found, and by substituting the phrase "pension, retirement, or other deferred compensation".

Sec. 3. G.S. 50-20(b)(3) is amended in the last sentence by deleting the phrase "retirement and pension" and by substituting the phrase "retirement, pension, and other deferred compensation"; and is further amended in the last sentence by deleting the phrase "135 and 143" and by substituting the phrase "135, 143, 143B, and 147".

Sec. 4. G.S. 147-9.4 is amended by adding a new paragraph at the end to read:

"Except for the applications of the provisions of G.S. 110-136, and in connection with a court-ordered equitable distribution under G.S. 50-20, the right of an employee, who elects to defer income pursuant to the North Carolina Public Employee Deferred Compensation Plan under G.S. 143B-426.24, to benefits that have vested under the Plan, is nonforfeitable. These benefits are exempt from levy, sale, and garnishment, except as provided by this section, and exempt from all State and local taxation."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.

H.B. 792 **CHAPTER 661**

AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS BY CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. The purpose of this act is to authorize construction, by certain constituent institutions of The University of North Carolina, of the capital improvements projects listed herein for each such institution, and to authorize the financing of these said capital improvements projects with funds available to the institutions from gifts, grants, receipts, self-liquidating indebtedness, or other funds, or any combination of such funds, but not including funds appropriated from the General Fund of the State.

Prior to the execution of design contracts for the projects authorized herein, the Director of the Budget, after consultation with the Advisory Budget Commission, shall approve the method of funding the projects.

Sec. 2. The projects hereby authorized to be constructed and financed as provided in Section 1 of this act are as follows:

1.	Appalachian State University	
	Expansion of Food Service Facilities	$ 4,142,400
2.	East Carolina University	
	Biotechnology Laboratory Building	1,877,200
3.	North Carolina School of the Arts	
	Additional Student Housing	1,400,000
4.	North Carolina State University at Raleigh	
a.	Student Services Center	3,070,000
b.	Japan Center	852,000
c.	University Art Gallery	3,560,500
5.	The University of North Carolina at Chapel Hill	
a.	Security Services Building	836,000
b.	Improvements to Kenan Stadium	3,563,200
6.	The University of North Carolina at Greensboro	
a.	Air Conditioning of High Rise Dormitories	225,000
b.	Student Dining Hall Renovations	4,150,000
7.	The University of North Carolina at Wilmington	
	University Commons and Landmark	1,425,600
8.	Winston-Salem State University	
	Repairs to Student Residence Halls	1,654,600
Grand Total Self-Liquidating Authorizations		$28,756,500

Sec. 3. The Director of the Budget, after consultation with the Advisory Budget Commission, may, when in his opinion it is in the best interest of the State to do so, and upon the request of The University of North Carolina Board of Governors, authorize a decrease in the scope or a change in the method of funding of any project authorized by this act.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.

H.B. 957 **CHAPTER 662**

AN ACT TO REQUIRE THAT ORDINANCES RESTRICTING THE SPEED OF TRAINS BE FILED WITH THE UTILITIES COMMISSION BEFORE BECOMING EFFECTIVE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 62 of the General Statutes is amended by adding a new section to read:

"§ 62-238.1. *Ordinances regulating train speeds in municipalities filed with the Commission.*—(a) When an ordinance limiting the speed of trains within the corporate limits of a municipality is enacted, pursuant to G.S. 160A-195, the city enacting the ordinance shall file with the Commission a certified copy of the ordinance plus one additional certified copy for each railroad corporation operating on the tracks through the affected city.

(b) The Commission shall mail a certified copy of each ordinance filed pursuant to subsection (a) of this section, by registered or certified mail with a return receipt requested, to the agent registered pursuant to G.S. 55-13 of each railroad corporation operating on the tracks through the affected city. Thereafter, the Commission shall notify the city of the date of receipt of the certified copy of the ordinance by the registered agent of each railroad corporation affected.

(c) No ordinance limiting train speed within the corporate limits of the city shall become effective until 20 days after the certified copies of the ordinance have been received by all of the registered agents of the railroads pursuant to subsection (b) of this section."

Sec. 2. G.S. 62-239 (a) is amended by adding immediately after the words "may file its petition before the Commission," the words "within 20 days of receipt of the certified copy of the ordinance limiting the speed of the trains within a city as required by G.S. 62-238.1(b),".

Sec. 3. G.S. 160A-195 is amended by adding a new sentence at the end to read:

"Any such ordinance shall be filed with the Utilities Commission as required by G.S. 62-238.1."

Sec. 4. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.

H.B. 1059 **CHAPTER 663**

AN ACT TO PROVIDE THAT THE MAXIMUM RATE OF INTEREST MAY VARY DURING THE TERM OF VARIABLE RATE LOANS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 24-1.1(3) is amended by deleting the last sentence and adding the following language: "The rate so announced shall be the maximum rate permitted for the term of loans made under this section during the following calendar month when the parties to such loans have agreed that the rate of interest to be charged by the lender and paid by the borrower shall not vary or be adjusted during the term of the loan.

The parties to a loan made under this section may agree to a rate of interest which shall vary or be adjusted during the term of the loan in which case the maximum rate of interest permitted on such loans during a month during the term of the loan shall be the rate announced by the Commissioner in the preceding calendar month."

Sec. 2. G.S. 24-1.2(2a) is amended by deleting the last sentence and adding the following language: "The rate so announced shall be the maximum rate permitted for the term of loans made under this section during the following calendar month when the parties to such loans have agreed that the rate of interest to be charged by the lender and paid by the borrower shall not vary or be adjusted during the term of the loan. The parties to a loan made under this section may agree to a rate of interest which shall vary or be adjusted during the term of the loan in which case the maximum rate of interest permitted on such loans during a month the term of the loan shall be the rate announced by the Commissioner in the preceding calendar month."

Sec. 3. This act is effective upon ratification and shall apply to loans made after that date.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.

H.B. 1418 **CHAPTER 664**

AN ACT TO PERMIT THE TAKING OF FOXES IN CERTAIN TOWNSHIPS OF IREDELL COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, there is an open season for taking foxes with weapons from December 1 through January 1 of each year.

Sec. 2. A season bag limit of 30 applies to all foxes taken during the weapons season established in this act.

Sec. 3. The Wildlife Resources Commission shall provide for the sale of foxes taken lawfully pursuant to this act.

Sec. 4. This act applies only to the Townships of Fallstown, Davidson, and Coddle Creek in Iredell County.

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.

S.B. 461 **CHAPTER 665**

AN ACT TO PROVIDE FOR PRIVATE SALE OF REDEVELOPMENT PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-514(c) is rewritten to read:

"(c) A commission may sell, exchange, or otherwise transfer the fee or any lesser interest in real property in a redevelopment project area to any redeveloper for any public or private use that accords with the

redevelopment plan, subject to such covenants, conditions and restrictions as the commission may deem to be in the public interest and in furtherance of the purposes of this Article. In the sale, exchange, or transfer of property, the commission shall follow the procedure set out in either G.S. 160A-269 or G.S. 160A-270 for the sale of property by a city council."

Sec. 2. G.S. 160A-514(d) is rewritten to read:

"(d) A commission may sell personal property having a value of less than five hundred dollars ($500.00) at private sale without advertisement and bids."

Sec. 3. The amendment of G.S. 160A-514(d) by this act does not modify or repeal any local act that modifies G.S. 160A-514(d) or its predecessor statute, former G.S. 160-464(d). Such a local act remains in effect, and a municipality subject to the local act may proceed either under it or under this act.

Sec. 4. G.S. 160A-209(c) is amended by inserting a new subdivision to read:

"(9a) Community development. To provide for community development as authorized by G.S. 160A-456 and 160A-457."

Sec. 5. G.S. 160A-456(e) is repealed.

Sec. 6. G.S. 160A-503(19) is amended by adding, in paragraph "e.", after the words "residential units" the words "and commercial and industrial facilities".

Sec. 7. G.S. 160A-209(c) is amended by adding a new subdivision to read:

"(31a) Urban Redevelopment. To provide for urban redevelopment."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.

S.B. 738 **CHAPTER 666**

AN ACT TO IMPROVE THE REGULATION OF INSURANCE BY MAKING TECHNICAL IMPROVEMENTS AND OTHER NEEDED CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-124.23(a), as found in the 1983 Supplement, is amended by substituting for the fourth and fifth sentences the following sentences:

"If approved, the deviation may thereafter be amended, subject to the provisions of this subsection. The deviation may be terminated only if the deviation will have been in effect for a period of six months before the effective date of the termination and the insurer notifies the Commissioner of the termination no later than 15 days before the effective date of the termination."

Sec. 2. G.S. 58-124.21(a) and 58-124.21(b) are each amended by substituting the number "50" for "30" in the first line; G.S. 58-124.21(a) is amended by rewriting the last sentence to read:

"Any order of disapproval under this section must be entered within 105 days of the date the filing is received by the Commissioner: Provided that any order of disapproval under this section with respect to workers' compensation insurance and employers' liability insurance written in connection therewith shall be entered within 120 days of the date the filing is received by the Commissioner."; and G.S. 58-124.21 is further amended by adding a new subsection to read:

"(c) For workers' compensation insurance and employers' liability insurance written in connection therewith, the period between the date of any filing and the date the Commissioner may give written notice as described in subsection (a) of this section and the period between the date of any filing and the deadline for giving notice of hearing as described in subsection (b) of this section shall be 60 days."

Sec. 3. G.S. 58-124.20(a) is amended by rewriting the second sentence to read:

"Each rate filing shall become effective on the date specified in the filing, but not earlier than 105 days from the date the filing is received by the Commissioner: Provided that (1) rate filings for workers' compensation insurance and employers' liability insurance written in connection therewith shall not become effective earlier than 120 days from the date the filing is received by the Commissioner; and (2) any filing may become effective on a date earlier than that specified in this subsection upon agreement between the Commissioner and the Bureau."

Sec. 4. G.S. 58-124.27 is amended in the second sentence by inserting immediately after "Article" the following:

"except workers' compensation insurance and employers' liability insurance written in connection therewith".

Sec. 5. G.S. 58-52.1(c), 58-153, 58-153.1(b)(2), and 58-307 are each amended by substituting "five dollars ($5.00)" for "one dollar ($1.00)".

Sec. 6. G.S. 58-52.1(d) is rewritten to read:

"(d) Upon receiving such service, the Commissioner or his duly appointed deputy shall within three business days send one of the copies of the process, by registered or certified mail, to the defendant agent, adjuster, motor vehicle damage appraiser, or broker at his last address of record as filed with the Commissioner."

Sec. 7. G.S. 58-154 is amended in the first sentence by substituting the word, "three" for the word, "two".

Sec. 8. G.S. 58-153.1(b)(2) is amended in the second sentence by substituting the words, "within three business days" for the word, "forthwith"; and by inserting before the word, "registered" the words, "certified or".

Sec. 9. G.S. 58-397 is amended by rewriting lines 4 through 8 to read:

"service of process on its behalf. The provisions of G.S. 58-153 and 58-154 shall apply to service of process under this section, except that such service shall be mailed to the insurance-support organization at its last known principal place of business."

Sec. 10. G.S. 58-31.2 is repealed.

Sec. 11. G.S. 58-27.1, 58-27.2, and 143A-76 are repealed.

Sec. 12. G.S. 143A-77 and Article 27A of General Statutes Chapter 58 are repealed.

Sec. 13. G.S. 58-22 is amended by rewriting the third, fourth, and fifth lines to read:

"making oath to or subscribing the statement shall be guilty of a misdemeanor and, upon conviction, shall be severally punished by a fine of not less than two thousand dollars ($2,000) nor more than five thousand dollars ($5,000)."

Sec. 14. G.S. 58-34 is amended by rewriting the second sentence to read:

"Any company or agent thereof who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000)."

Sec. 15. G.S. 58-46 is amended by rewriting lines 6, 7, and 8 to read:

"insurance, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) or by imprisonment for not more than one year, or both, in the discretion of the court."

Sec. 16. G.S. 58-47 is amended by substituting "one thousand dollars ($1,000)" for "two hundred dollars ($200.00)" and "two thousand dollars ($2,000)" for "five hundred dollars ($500.00)".

Sec. 17. G.S. 58-49 is amended by rewriting lines 7 through 11 to read:

"a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) or by imprisonment for not less than 30 days nor more than one year, or both, in the discretion of the court. This section shall also apply to contracts and certificates issued under General Statutes Chapters 57 and 57B."

Sec. 18. G.S. 58-50 is amended by rewriting the first phrase to read:

"Any agent who signs any blank contract or policy of insurance is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000);".

Sec. 19. G.S. 58-51 is amended by substituting "one thousand dollars ($1,000)" for "two hundred dollars ($200.00)" and "five thousand dollars ($5,000)" for "five hundred dollars ($500.00)".

Sec. 20. G.S. 58-52, 58-61, 58-146 and 58-164(h) are each amended by substituting "one thousand dollars ($1,000)" for "one hundred dollars ($100.00)" and "five thousand dollars ($5,000)" for "five hundred dollars ($500.00)".

Sec. 21. G.S. 58-54.11 is amended by rewriting the fifth and sixth lines to read:

"occurred the sum of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) for each violation, which if not paid shall be recovered pursuant to G.S. 58-9.7."

Sec. 22. G.S. 58-54.22 is amended in the third and fourth lines of the second paragraph by substituting "one thousand dollars ($1,000)" for "one hundred dollars ($100.00)" and "five thousand dollars ($5,000)" for "one thousand dollars ($1,000)".

Sec. 23. G.S. 58-124.8 is amended in lines 8, 9, and 10 by substituting "not less than one thousand dollars ($1,000) nor more than five thousand

dollars ($5,000)" for "not more than five hundred dollars ($500.00)"; and in lines 8 and 9 by inserting after the word "Article" the following:

"shall be guilty of a misdemeanor and, upon conviction,".

Sec. 24. G.S. 58-135.1(b) is amended by substituting "five thousand dollars ($5,000)" for "one thousand dollars ($1,000)".

Sec. 25. The text of G.S. 58-162 is rewritten to read:

"It shall be unlawful for any fire, marine, or fire and marine insurance company licensed to do business in this State to assume reinsurance on property located in this State from a company that is not licensed to do business in this State. Any person that violates this section shall be subject to cancellation of its license to do business in this State; and upon conviction the person shall be punished by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) for each offense, in the discretion of the court."

Sec. 26. G.S. 58-172 is amended by substituting "one thousand dollars ($1,000)" for "two hundred and fifty dollars ($250.00)" and "five thousand dollars ($5,000)" for "five hundred dollars ($500.00)".

Sec. 27. G.S. 58-173 is amended by rewriting lines 10 through 12 to read:

"the plaintiff, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000); but the policy shall be binding upon the company issuing it."

Sec. 28. G.S. 58-262 is amended by rewriting the second and third lines to read:

"in willful violation of this Subchapter, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five thousand dollars ($5,000) for each offense; and the".

Sec. 29. G.S. 58-302 is amended:

(a) in the first paragraph, by substituting "one thousand dollars ($1,000)" for "one hundred dollars ($100.00)" and "five thousand dollars ($5,000)" for "five hundred dollars ($500.00)";

(b) in the second paragraph, by substituting "one thousand dollars ($1,000)" for "fifty dollars ($50.00)" and "five thousand dollars ($5,000)" for "two hundred dollars ($200.00)"; and

(c) in the third paragraph, by rewriting the last line to read: "guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed five thousand dollars ($5,000)."

Sec. 30. G.S. 58-306 is amended by substituting "fifteen thousand dollars ($15,000)" for "five thousand dollars ($5,000)".

Sec. 31. G.S. 58-315 is amended by substituting "five hundred dollars ($500.00)" for "fifty dollars ($50.00)".

Sec. 32. G.S. 58-357 is amended by substituting "one thousand dollars ($1,000)" for "two hundred fifty dollars ($250.00)", "five thousand dollars ($5,000)" for "one thousand dollars ($1,000)", and "two thousand dollars ($2,000)" for "five hundred dollars ($500.00)".

Sec. 33. G.S. 58-403 is amended in the third line by inserting between "shall" and "be" the following:

", upon conviction, be guilty of a misdemeanor and"; and in the fourth line by inserting "not" between "for" and "more".

Sec. 34. G.S. 58-16 is amended by rewriting lines 17 and 18 to read:

"or already admitted to do business in this State. Any domestic or foreign company examined under this section shall pay the proper charges incurred in the examination, including the expenses of the".

Sec. 35. Article 1 of General Statutes Chapter 58 is amended by adding a new section to read:

"§ 58-9.7. *Civil penalties or restitution for violations.*—(a) This section applies to any person who is subject to licensure or certification under the provisions of this Chapter, General Statutes Chapters 57, 57B or 85C, Articles 9B or 9C of General Statutes Chapter 66, or Articles 9A or 9B of General Statutes Chapter 143.

(b) Whenever the Commissioner has reason to believe that any person has violated any of the provisions of the statutes cited in subsection (a) of this section, and the violation subjects the license or certification of that person to suspension or revocation, or whenever the Commissioner has reason to believe that any person has violated Article 3A of this Chapter, the Commissioner may issue and serve upon that person a written statement of charges and a written notice of hearing, to be held at a time and place fixed in the notice. The date for the hearing shall not be less than 10 days after the date of service. It shall be sufficient to give such notice either by delivering it to the person charged or by sending the notice to the last known address of that person by certified mail, return receipt requested. At the time and place fixed for the hearing the person charged shall have an opportunity to answer the charges against him and present evidence on his behalf. Upon good cause shown, the Commissioner may permit any adversely affected person to intervene, appear, and be heard at the hearing by counsel or in person. The Commissioner may consolidate a hearing under this section with a hearing allowed under G.S. 58-54.6 where there is common subject matter involved and subject to procedural requirements set out in both sections being followed.

(c) In any case where a hearing pursuant to subsection (b) of this section results in the findings by the Commissioner of a knowing violation of any of the provisions of the statutes cited in subsection (a) of this section, and the violation subjects the license or certification of that person to suspension or revocation, or findings by the Commissioner of a knowing violation of Article 3A of this Chapter, the Commissioner may, in addition to or in lieu of suspending or revoking the license or certification, apply to a court of competent jurisdiction for an order directing payment of a monetary penalty as provided in subsection (d) of this section or an order directing payment of restitution as provided in subsection (e) of this section, or both. Each day during which a violation occurs shall constitute a separate offense.

(d) Upon application by the Commissioner and a finding by the court of a knowing violation as specified in subsection (c) of this section, the court shall direct the payment of a penalty of not less than five hundred dollars ($500.00) nor more than forty thousand dollars ($40,000), in the discretion of the court. The penalty shall be payable to the Commissioner, who shall then forward the clear proceeds of which to the State Treasurer for deposit in the General Fund of the State. Payment of the civil penalty

under this section shall be in addition to payment of any other penalty for a violation of the penal laws of this State.

(e) Upon application of the Commissioner and a finding by the court of a knowing violation as specified in subsection (c) of this section, the court may order the person who committed the violation to make restitution in an amount that would make whole any person harmed by the violation.

(f) Restitution to any State agency for extraordinary administrative expenses incurred in the investigation and hearing of the violation may also be ordered by the court in such amount that would reimburse the agency for the expenses.

(g) Nothing in this section shall prevent the Commissioner from negotiating a mutually acceptable agreement with any person as to the status of the person's license of certificate or as to any civil penalty or restitution; and to submit such agreement with respect to any civil penalty or restitution to the court pursuant to subsections (d) and (e) of this section for the court's adoption and approval."

Sec. 36. G.S. 58-131.55 is amended as follows:

(a) By rewriting the section heading to read: "*Suspension of license.*";

(b) by repealing subsection (a); and

(c) by rewriting the first line of subsection (c) to read: "No license shall be suspended."

Sec. 37. G.S. 58-248.38 is amended by rewriting the second paragraph to read:

"Any insurer or representative thereof who fails to comply with or violates this section shall be subject to suspension or revocation of his certificate or license and shall be subject to the provisions of G.S. 58-9.7."

Sec. 38. G.S. 143-143.13 is amended as follows:

(a) By striking from the section heading the semicolon and words, "; *civil penalty*"; and

(b) by repealing subsection (b).

Sec. 39. G.S. 143-138 is amended by adding a new subsection to read:

"(l) When any question arises as to any provision of the Code, judicial notice shall be taken of that provision of the Code."

Sec. 40. G.S. 58-164(e) (1) is repealed.

Sec. 41. G.S. 58-155.60 is amended by changing the period at the end of the first paragraph to a colon and by adding the following:

"Provided that before delivering any deposit to the Association the Commissioner may retain an amount of the deposit up to five thousand dollars ($5,000) to defray administrative costs to be incurred by the Commissioner in carrying out his powers and duties with respect to the insolvent insurer, notwithstanding G.S. 58-185. As used in this section, the term 'administrative costs' does not include any salary or expenses paid to or on behalf of any State employee or to any person appointed or employed pursuant to G.S. 58-155.11(f) or 58-155.36."

Sec. 42. G.S. 58-155.84 is amended by changing the period to a colon at the end of the first sentence and by inserting immediately thereafter the following:

"Provided that before delivering any deposit to the Association the Commissioner may retain an amount of the deposit up to five thousand

dollars ($5,000) to defray administrative costs to be incurred by the Commissioner in carrying out his powers and duties with respect to the insolvent insurer, notwithstanding G.S. 58-185. As used in this section, the term 'administrative costs' does not include any salary or expenses paid to or on behalf of any State employee or to any person appointed or employed pursuant to G.S. 58-155.11(f) or 58-155.36."

Sec. 43. G.S. 58-131.36(6) and G.S. 58-132(b)(3) are repealed.

Sec. 44. Article 1 of General Statutes Chapter 58 is amended by adding a new section to read:

"§ 58-7.4. *Appointments of committees or councils.*—(a) As used in this section, the term 'committee' means a collective body that consults with and advises the Commissioner or his designee in detailed technical areas; and the term 'council' means a collective body that consults with and advises the Commissioner or his designee as representative of citizen advice in specific areas of interest.

(b) The Commissioner may create and appoint committees and councils, each of which shall consist of no more than 13 members unless otherwise provided by law. The members of any committee or council shall serve at the pleasure of the Commissioner and may be paid per diem and necessary travel and subsistence expenses within the limits of appropriations and in accordance with G.S. 138-5. Per diem, travel, and subsistence payments to members of committees or councils that are created in connection with federal programs shall be paid from federal funds unless otherwise provided by law."

Sec. 45. G.S. 58-205.3(a) is amended in the first line and G.S. 58-205.3(c) is amended in the second line by deleting from those lines the word, "life" following the word, "transact".

Sec. 46. G.S. 58-201.1(d) is amended in the twelfth line of the second paragraph by substituting "first paragraph of this subsection" for "preceding paragraph"; and in the fourteenth line by substituting "(1)" for "(2)".

Sec. 47. Subchapter IX of General Statutes Chapter 58 is redesignated "MISCELLANEOUS PROVISIONS".

Sec. 48. G.S. 58-248.26 is amended by:

(a) Rewriting subsection (6) to read:

"(6) 'Motor vehicle' means every self-propelled vehicle that is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers)."; and

(b) Amending subsection (7) by striking from that subsection the words, "as defined in Article 9A of Chapter 20 of the General Statutes of North Carolina".

Sec. 49. G.S. 58-248.33(b)(1)d. and G.S. 58-248.33(b)(2) are each amended by substituting "ten thousand dollars ($10,000)" for "five thousand dollars ($5,000)".

Sec. 50. G.S. 58-21 is amended in the section heading by inserting after the word "Annual" the following: ", semiannual, or quarterly".

Sec. 51. G.S. 58-21 is further amended by adding the following sentence:

"Provided further, the Commissioner may, in his discretion, require the statement required by this section to be filed semiannually or quarterly by any insurance company, association, or order."

Sec. 52. G.S. 57B-21(a) is rewritten to read:

"(a) The Commissioner may, in addition to or in lieu of suspending or revoking a certificate of authority under G.S. 57B-16, proceed under G.S. 58-9.7, provided that the health maintenance organization has a reasonable time within which to remedy the defect in its operations that gave rise to the procedure under G.S. 58-9.7."

Sec. 53. G.S. 58-21.1 is rewritten to read:

"§ 58-21.1. *Reporting of professional liability experience.*—Every insurer authorized to write professional liability insurance in this State shall file with the Commissioner, along with the insurer's statement that is filed under G.S. 58-21, a report containing the information that is listed on the professional liability insurance supplement as promulgated and amended by the National Association of Insurance Commissioners."

Sec. 54. G.S. 58-21.2, as found in the 1983 Supplement, is amended in the third and fourth lines by substituting "statement that is filed under G.S. 58-21" for "annual statement".

Sec. 55. Article 2 of General Statutes Chapter 58 is amended by adding a new section to read:

"§ 58-7.5. *Deposits; use of master trust.*—Notwithstanding any other provision of law, the Commissioner is authorized to select a bank or trust company as master trustee to hold cash or securities to be pledged to the State when deposited with him pursuant to statute. Securities may be held by the master trustee in any form which, in fact, perfects the security interest of the State in the securities. The Commissioner shall by rule establish the manner in which the master trust shall operate. The master trustee may charge the company making the deposit reasonable fees for services rendered in connection with the operation of the trust."

Sec. 56. G.S. 58-182.6 is amended at the beginning of the first sentence by substituting "Unless a master trustee is selected by the Commissioner pursuant to G.S. 58-7.5, the" for "The".

Sec. 57. G.S. 58-187 is amended by inserting after "State Treasurer" the following: "or the trustee selected pursuant to G.S. 58-7.5".

Sec. 58. G.S. 58-188.5 is amended by inserting "or the Commissioner" after "Treasurer of North Carolina", and is amended in the section heading by inserting after "*Treasurer*" the following: "*or Commissioner*".

Sec. 59. G.S. 58-188.6 is amended by inserting "or Commissioner" after "Treasurer".

Sec. 60. G.S. 57-4.1 is amended:

(a) By rewriting lines 7 through 12 to read:

"Commissioner, who shall review the filing in accordance with the standards in G.S. 57-4. At any time within 60 days after the date of any filing under this section or G.S. 57-4, the Commissioner may give written notice to the corporation of a fixed time and place for a hearing on the filing, which time shall be no less than 20 days after notice is given. In the event no notice of hearing is issued within 60 days from the date of any filing, the filing shall be deemed to be approved, subject to modification by the Commissioner as authorized by G.S. 57-4. In the event

the Commissioner gives notice of a hearing, the corporation making the filing shall, not less than 10 days before the time of the hearing, cause to be"; and

(b) By adding the following at the end:

"If the Commissioner does not issue an order within 45 days after the day on which the hearing began, the filing shall be deemed to be approved, subject to modification by the Commissioner as authorized by G.S. 57-4."

Sec. 61. G.S. 118-7 is amended by repealing subsection (3) and adding the following:

"(5) To provide for benefits of supplemental retirement, additional workers compensation, and other insurance and pension protection for firemen otherwise qualifying for benefits from the Firemen's Relief Fund as set forth in Article 2 of this Chapter.

(6) To provide for educational benefits to firemen and their dependents who otherwise qualify for benefits from the Firemen's Relief Fund as set forth in Article 2 of this Chapter.

Notwithstanding any other provisions of law, no expenditures shall be made pursuant to subsections (5) and (6) of this section unless the State Firemen's Association has certified that such expenditures will not render the Fund actuarially unsound for the purposes of providing the benefits set forth in subsections (1), (2), and (4) of this section. If, for any reason, funds made available for subsections (5) and (6) of this section shall be insufficient to pay in full any benefits, the benefits pursuant to subsections (5) and (6) shall be reduced pro rata for as long as the amount of insufficient funds exists. No claim shall accrue with respect to any amount by which a benefit under subsections (5) and (6) shall have been reduced."

Sec. 62. G.S. 118-11 is rewritten to read:

"§ 118-11. *No discrimination on account of race.*—The local boards of trustees of the Firemen's Relief Fund shall make no discrimination based upon race in the payment of benefits."

Sec. 63. G.S. 118-8 is rewritten to read:

"§ 118-8. *Trustees to keep account and file certified reports.*—(a) Each local board of trustees shall keep a correct account of all monies received and disbursed by them. On a form prescribed by the North Carolina State Firemen's Association, each local board shall certify by October 31 of each year the following to the Association: the balance of the local fund, proof of sufficient bonding, a full accounting of the previous year's expenditures, and a full accounting of membership qualifications. Such certification shall be made concurrently with the local unit's statement of Fire Readiness.

(b) In turn, the State Firemen's Association shall certify to the Department of Insurance by January 1 of each year on a form prescribed by the Department, the local units which have complied with the requirements of subsection (a) of this section.

(c) In the event that any board of trustees in any of the towns and cities benefited by this Article shall neglect or fail to perform their duties, or shall willfuly misappropriate the funds entrusted in their care by obligating or disbursing such funds for any purpose other than those set forth in G.S. 118-7, then the Insurance Commissioner shall withhold any and all further payments to such board of trustees, or their successors,

until the matter has been fully investigated by an official of the State Firemen's Association, and adjusted to the satisfaction of the Insurance Commissioner.

(d) In the event that any local relief fund provided for in this Article becomes impaired, then the Firemen's Relief Fund may in the discretion of its board of trustees assist the local unit administering the fund in providing for relief to injured firemen and their dependents or survivors; provided, however, that any funds so provided to such impaired units shall be repaid in full at the statutory rate of interest from future local unit receipts if the impairment resulted from violations of this Article."

Sec. 64. G.S. 118-6 is amended by rewriting the first seven lines to read:

"For each county, town or city complying with and deriving benefits from the provisions of this Article, there shall be appointed a local board of trustees, known as the trustees of the firemen's relief fund, to be composed of five members, two of whom shall be elected by the members of the local fire department or departments who are qualified as beneficiaries of such fund, two of whom shall be elected by the mayor and board of aldermen or other local governing body, and one of whom shall be named by the Commissioner of Insurance. Their selection and term of office shall be as follows:" ; and by rewriting the last sentence to read:

"If the chief or chiefs of the local fire departments are not named on the board of trustees as above provided, then they shall serve as ex officio members without privilege of voting on matters before the board."

Sec. 65. G.S. 118-17 is amended in the last sentence of the section by deleting the words, "for general purposes" and inserting in lieu thereof the words, "for the purposes set forth in G.S. 118-7"; and is further amended by adding the following paragraph:

"Local units of the North Carolina State Volunteer Firemen's Association shall maintain records and report to the North Carolina State Firemen's Association in the same manner and to the same extent as provided for in G.S. 118-8, and shall be subject to the sanctions as set forth therein."

Sec. 66. G.S. 69-14 is amended by adding the following sentence at the end of the section: "As used in this Article and elsewhere in the General Statutes, 'State Fire Marshal' means the Commissioner of Insurance of the State of North Carolina."

Sec. 67. G.S. 20-310 is amended as follows:

(a) By rewriting lines 2 and 3 of subdivision (f)(5) to read: "the insured that";

(b) By inserting immediately before the semicolon in subdivision (g)(1) the following: ", including the mailing by first class mail of a premium notice or expiration notice, and the insured has failed to pay the required premium prior to the premium due date"; and

(c) By inserting immediately after "purpose" on line 48 of subsection (i) the following: ", and any order entered by such hearing officer other than the Commissioner shall have the same force and effect as if entered by the Commissioner himself."

Sec. 68. G.S. 58-394 is amended:

(a) By adding the following subsection:

"(19) To authorized personnel of the Division of Motor Vehicles upon requests pursuant to G.S. 20-309(c) or G.S. 20-309(f)."

(b) By inserting "or" after the semicolon in subsection (17); and

(c) By substituting "; or" for the period at the end of subsection (18).

Sec. 69. General Statutes Chapter 57B is amended by adding a new section to read:

"§ 57B-3.1. *Health maintenance organization of bordering states may be admitted to do business; reciprocity.*—A federally qualified health maintenance organization approved and regulated under the laws of a state bordering this State may be admitted to do business in this State by satisfying the Commissioner that it is fully and legally organized under the laws of that state, and that it complies with all requirements for health maintenance organizations organized within this State; provided that the bordering state has a law or regulation substantially similar to this section."

Sec. 70. G.S. 1-507.7 is amended by adding the following:

"As to delinquency proceedings for insurance companies under Article 17A of General Statutes Chapter 58, such prior notice need be given only to those claimants whose presented claims have been denied or have not been adjudicated; and notice is satisfied by mailing either a general notice of application for distribution showing disposition of the claims or a copy of the application to such claimants. Proof of mailing with the United States Postal Service may be made by the receiver's certificate of service without either the necessity of postal receipt or the listing of individual claimants names and addresses."

Sec. 71. G.S. 58-251.2 is amended:

(a) By rewriting the last paragraph of subsection (a) to read:

"An insurer upon a showing of inadequacy of rates chargeable on accident and health policies, and a finding as to the same by the Commissioner, may increase such rates with the approval of the Commissioner. Thereafter, such rates shall be applicable to all policies of the same type; provided that no rate increase may become effective for any policy unless the insurer has given the policyholder written notice of the rate increase 45 days prior to the effective date of the increase. The policyholder thereafter must pay the increased rate in order to continue the policy in force."; and

(b) By adding a new subsection to read:

"(d) The requirements of this section do not apply to a refusal or renewal because of a change of occupation of an insured to one classified by the insurer as uninsurable nor to an increase in rate due to a change of occupation of an insured to a more hazardous occupation."

Sec. 72. G.S. 116B-13 is amended by adding a new subsection to read:

"(d) Negotiable Instruments. Any sum for the payment of a claim under an insurance policy or contract, which sum is payable on a negotiable instrument on which the insurer is the maker or drawer shall be presumed abandoned if, within 10 years from the date payable, or from the date of issuance, if payable on demand, the owner has not:

(1) Negotiated the instrument;

(2) Corresponded in writing with the insurer concerning it; nor

(3) Otherwise indicated an interest by a writing on file with the insurer."

Sec. 73. G.S. 116B-14 is amended by adding a new subsection to read:

"(c) Negotiable Instruments. Any sum for the payment of a claim under an insurance policy or contract, which sum is payable on a negotiable instrument on which the insurer is the maker or drawer shall be presumed abandoned if, within five years from the date payable, or from the date of issuance, if payable on demand, the owner has not:

(1) Negotiated the instrument;

(2) Corresponded in writing with the insurer concerning it; nor

(3) Otherwise indicated an interest by a writing on file with the insurer."

Sec. 74. G.S. 20-279.21(b)(4) is amended by deleting the fifth sentence, which begins with "The insurer" and ends with "owner's policy", and by substituting for that sentence the following:

"Underinsured motorist coverage shall be deemed to apply when, by reason of payment of judgment or settlement, all liability bonds or insurance policies providing coverage for bodily injury caused by the ownership, maintenance, or use of the underinsured highway vehicle have been exhausted. Exhaustion of such liability coverage for purpose of any single liability claim presented for underinsured motorist coverage shall be deemed to occur when either (a) the limits of liability per claim have been paid upon such claim, or (b) by reason of multiple claims, the aggregate per occurrence limit of liability has been paid. Underinsured motorist coverage shall be deemed to apply to the first dollar of an underinsured motorist coverage claim beyond amounts paid to the claimant pursuant to the exhausted liability policy.

In any event, the limit of underinsured motorist coverage applicable to any claim is determined to be the difference between the amount paid to the claimant pursuant to the exhausted liability policy and the total limits of the owner's underinsured motorist coverages provided in the owner's policies of insurance; it being the intent of this paragraph to provide to the owner, in instances where more than one policy may apply, the benefit of all limits of liability of underinsured motorist coverage under all such policies: Provided that this paragraph shall apply only to nonfleet private passenger motor vehicle insurance as defined in G.S. 58-131.36(9) and (10).

An underinsured motorist insurer may at its option, upon a claim pursuant to underinsured motorist coverage, pay monies without there having first been an exhaustion of the liability insurance policy covering the ownership, use, and maintenance of the underinsured highway vehicle. In the event of such payment, the underinsured motorist insurer shall be either: (a) entitled to receive by assignment from the claimant any right or (b) subrogated to the claimant's right regarding any claim the claimant has or had against the owner, operator, or maintainer of the underinsured highway vehicle, provided that the amount of the insurer's right by subrogation or assignment shall not exceed payments made to the claimant by the insurer. No insurer shall exercise any right of subrogation or any right to approve settlement with the original owner, operator, or maintainer of the underinsured highway vehicle under a policy providing coverage against an underinsured motorist where the insurer has been

provided with written notice in advance of a settlement between its insured and the underinsured motorist and the insurer fails to advance a payment to the insured in an amount equal to the tentative settlement within 30 days following receipt of such notice. Further, the insurer shall have the right, at its election, to pursue its claim by assignment or subrogation in the name of the claimant, and the insurer shall not be denominated as a party in its own name except upon its own election. Assignment or subrogation as provided in this subdivision shall not, absent contrary agreement, operate to defeat the claimant's right to pursue recovery against the owner, operator, or maintainer of the underinsured highway vehicle for damages beyond those paid by the underinsured motorist insurer. The claimant and the underinsured motorist insurer may join their claims in a single suit without requiring that such insurer be named as a party. Any claimant who intends to pursue recovery against the owner, operator, or maintainer of the underinsured highway vehicle for monies beyond those paid by the underinsured motorist insurer shall prior to doing so give notice to such insurer and give such insurer, at its expense, the opportunity to participate in the prosecution of such claim. Upon the entry of judgment in a suit upon any such claim in which the underinsured motorist insurer and claimant are joined, payment upon such judgment, unless otherwise agreed to, shall be applied pro rata to the claimant's claim beyond payment by the insurer of the owner, operator or maintainer of the underinsured highway vehicle and the claim of the underinsured motorist insurer.

A party injured by the operation of an underinsured highway vehicle who institutes a suit for the recovery of monies for such injuries and in such an amount that, if recovered, would support a claim under underinsured motorist coverage shall give notice of the initiation of the suit to the underinsured motorist insurer as well as to the insurer providing primary liability coverage upon the underinsured highway vehicle. Upon receipt of such notice, the underinsured motorist insurer shall have the right to appear in defense of such claim without being named as a party therein, and without being named as a party may participate in such suit as fully as if it were a party. The underinsured motorist insurer may elect, but may not be compelled, to appear in such action in its own name and present therein a claim against other parties; provided that application is made to and approved by a presiding superior court judge, in any such suit, any insurer providing primary liability insurance on the underinsured highway vehicle may upon payment of all of its applicable limits of liability be released from further liability or obligation to participate in the defense of such proceeding. However, prior to approving any such application, the court shall be persuaded that the owner, operator, or maintainer of the underinsured highway vehicle against whom a claim has been made has been apprised of the nature of the proceeding and given his right to select counsel of his own choice to appear in such action on his separate behalf. In the event that an underinsured motorist insurer, following the approval of such application, pays in settlement or partial or total satisfaction of judgment monies to the claimant, such insurer shall be subrogated to or entitled to an assignment of the claimant's rights against the owner, operator, or

maintainer of the underinsured highway vehicle and, provided that adequate notice of right of independent representation was given to such owner, operator, or maintainer, a finding of liability or the award of damages shall be *res judicata* between the underinsured motorist insurer and the owner, operator, or maintainer of underinsured highway vehicle."; and is further amended in the first sentence by substituting "in an amount equal to" for "but not to exceed".

Sec. 75. G.S. 58-77(9), as found in the 1983 Supplement, is amended by substituting "1987" for "1985".

Sec. 76. G.S. 143B-422, as found in the 1983 Supplement, is amended in the first sentence by substituting the word, "Insurance" for the word, "Administration".

Sec. 77. G.S. 143B-422, as found in the 1983 Supplement, is further amended in lines 4, 6, 11, 15, 17, 20, and 33 by substituting "Commissioner of Insurance" for "Governor".

Sec. 78. Article 9 of General Statutes Chapter 143A is amended by adding a new section to read:

"§ 143A-79.1. *Public Officers and Employees Liability Insurance Commission; transfer.*—The Public Officers and Employees Liability Insurance Commission, as contained in Part 20 of Article 9 of General Statutes Chapter 143B, is transferred by a Type II transfer to the Department of Insurance."

Sec. 79. Part 20 of Article 9 of General Statutes Chapter 143B, comprising G.S. 143B-422, 143B-423, 143B-424, 143B-424.1., 143B-425, 143B-426, and 143B-426.1, as amended by Sections 76 and 77 of this act, is recodified as Article 2B of General Statutes Chapter 58, comprising respectively G.S. 58-27.20, 58-27.21, 58-27.22, 58-27.23, 58-27.24, 58-27.25 and 58-27.26.

Sec. 80. G.S. 120-123(10) is amended by substituting "G.S. 58-27.20" for "G.S. 143B-422".

Sec. 81. Effective January 1, 1986, G.S. 66-49.9(6) is amended by deleting "not to exceed three hundred dollars ($300.00)".

Sec. 82. The North Carolina Insurance Regulation Study Commission shall review and analyze the Safe Driver Insurance Plan, including the effect of the provisions of House Bill 248 of the 1985 General Assembly if those provisions were to become enacted by the 1987 General Assembly.

Sec. 83. G.S. 58-41.5 is amended by deleting "life" from the section heading; and in subsection (a) by substituting "life or fire and casualty insurance agent as defined in G.S. 58-39.4(e) or (i): for "life insurance agent as defined in G.S. 58-39.4(3)".

Sec. 84. G.S. 20-309(e) is amended by rewriting the first paragraph to read:

"(e) Upon termination by cancellation or otherwise of an insurance policy provided in subsection (b) of this section, the insurer shall notify the Division of such termination. The Division, upon receiving notice of cancellation or termination of an owner's financial responsibility as required by this Article, shall notify such owner of such cancellation or termination, and such owner shall, to retain the registration plate for the vehicle registered or required to be registered, within 10 days from date of notice given by the Division either:

(1) Certify to the Division that he had financial responsibility effective on or prior to the date of such termination; or

(2) In the case of a lapse in financial responsibility, pay a fifty dollar ($50.00) civil penalty; and certify to the Division that he now has financial responsibility effective on the date of certification, that he did not operate the vehicle in question during the period of no financial responsibility with the knowledge that there was no financial responsibility, and that the vehicle in question was not involved in a motor vehicle accident during the period of no financial responsibility."

Sec. 85. Sections 1 through 12, 34 through 42, 44 through 83, and this section are effective upon ratification. Section 43 shall become effective September 1, 1985. Sections 13 through 33, 74, and 84 of this act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

S.B. 279 **CHAPTER 667**

AN ACT TO CLARIFY THE TYPE LAND THAT QUALIFIES FOR TAXATION AT ITS PRESENT-USE VALUE AND TO MAKE TECHNICAL CHANGES CONCERNING ELIGIBILITY FOR PRESENT-USE VALUE TAXATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-277.2(1), (2), (3), and (4) are rewritten to read:

"(1) 'Agricultural land' means land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program. Agricultural land includes woodland and wasteland that is a part of the farm unit, but the woodland and wasteland included in the unit shall be appraised as woodland or wasteland. A farm unit may consist of more than one tract of agricultural land, but at least one of the tracts must meet the minimum size requirement in G.S. 105-277.3(a)(1), and each tract must be under a sound management program.

(2) 'Forestland' means land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit shall be appraised as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the minimum size requirement in G.S. 105-277.3(a)(3), and each tract must be under a sound management program.

(3) 'Horticultural land' means land that is a part of a horticultural unit that is actively engaged in the commercial production or growing of fruits or vegetables or nursery or floral products under a sound management program. Horticultural land includes woodland and wasteland that is a part of the horticultural unit, but the woodland and wasteland included in the unit shall be appraised as woodland or wasteland. A horticultural unit may consist of more than one tract of horticultural land, but at least

one of the tracts must meet the minimum size requirement in G.S. 105-277.3(a)(2), and each tract must be under a sound management program.

(4) 'Individually owned' means owned by:

a. A natural person; or

b. A corporation having as its principal business one of the activities described in subdivisions (1), (2), and (3) and whose shareholders are all natural persons actively engaged in the business of the corporation or a relative of a shareholder who is actively engaged in the business of the corporation."

Sec. 2. G.S. 105-277.3(a) is amended by rewriting subdivisions (1), (2), and (3) to read:

"(1) Individually owned agricultural land consisting of at least 10 acres in actual production and averaging at least one thousand dollars ($1,000) a year in gross income for the three years preceding January 1 of the year for which the benefit of this section is claimed. Gross income includes income from the sale of the agricultural products produced from the land and any payments received under a governmental soil conservation or land retirement program. Land in actual production includes land under improvements used in the commercial production or growing of crops, plants, or animals.

(2) Individually owned horticultural land consisting of at least five acres in actual production and averaging at least one thousand dollars ($1,000) a year in gross income for the three years preceding January 1 of the year for which the benefit of this section is claimed. Gross income includes income from the sale of the horticultural products produced from the land and any payments received under a governmental soil conservation or land retirement program. Land in actual production includes land under improvements used in the commercial production or growing of fruits or vegetables or nursery or floral products.

(3) Individually owned forestland consisting of at least 20 acres in actual production, if the property is not included in a farm unit."

Sec. 3. G.S. 105-277.3(b)(2) is rewritten to read:

"(2) Have been owned by the current owner or a relative of the current owner for the four years preceding January 1 of the year for which the benefit of this section is claimed."

Sec. 4. G.S. 105-277.2 is amended by adding a new subdivision (6) to read as follows and by renumbering the succeeding subdivision accordingly:

"(6) 'Relative' means:

a. A spouse;

b. A lineal ancestor;

c. A lineal descendant;

d. A brother or sister, including a stepbrother or stepsister;

e. An adopted or adoptive child, parent, grandchild, or grandparent; or

f. A spouse of a person listed in paragraphs b. through e."

Sec. 5. The third sentence of G.S. 105-277.4(c) is amended by deleting the phrase "spouse, child or sibling" and substituting the word "relative"

and by deleting the phrase "such an enumerated family member" and substituting the words "a relative".

Sec. 6. G.S. 105-277.4(a) is amended in the first sentence by deleting the phrase "but having a greater value for other uses".

Sec. 6.1. G.S. 105-277.3(c) is amended by inserting between the words "value" and "pursuant" the phrase "or was eligible for appraisal at its present use value".

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 77 CHAPTER 668

AN ACT TO STRENGTHEN THE FELONY CHILD ABUSE LAW BY PROHIBITING THE INFLICTION OF ANY SERIOUS INJURY AND BY INCREASING THE PUNISHMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-318.4(a) is rewritten to read:

"(a) A parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally inflicts any serious physical injury upon or to the child or who intentionally commits an assault upon the child which results in any serious physical injury to the child is guilty of a Class H felony."

Sec. 2. This act shall become effective October 1, 1985, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 193 CHAPTER 669

AN ACT TO MAKE CERTAIN CHANGES IN THE MEMBERSHIP OF THE JUVENILE LAW STUDY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-740 is amended by inserting a new sentence between the second and third to read: "The members appointed by the President of the Senate shall be members of the Senate at the time of their appointment; the members appointed by the Speaker of the House of Representatives shall be members of the House of Representatives at the time of their appointment."

Sec. 2. G.S. 7A-740 is further amended in the second sentence by deleting the figures "17" and "13" and by substituting the figures "18" and "14" respectively.

Sec. 3. G.S. 7A-740 is further amended by inserting a new sentence between the 10th and 11th to read: "One shall be the member of the Juvenile Justice Planning Committee of the Governor's Crime Commission recommended for appointment by the Juvenile Justice Planning Committee and shall serve for three years."

Sec. 4. G.S. 7A-740 is amended by deleting the 14th sentence and by substituting the following: "The legislative members shall serve for two-year terms."

Sec. 5. This act shall become effective upon ratification, and applies to appointments made on and after this date. Sections 1 and 4 of this act apply only to legislative members appointed on and after this date.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 215 **CHAPTER 670**

AN ACT TO AUTHORIZE CURRITUCK COUNTY TO LEVY AN EXCISE TAX ON INSTRUMENTS CONVEYING REAL PROPERTY IN CURRITUCK COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Tax. (a) Authorization. The Currituck County Board of Commissioners may, by resolution, levy an excise tax on instruments conveying certain interests in real property in Currituck County, including instruments that convey an interest in a mobile home that, at the time of the conveyance, is taxed as real property. The tax imposed may not exceed one dollar ($1.00) on each one hundred dollars ($100.00) or fraction thereof of the consideration or value of the interest conveyed, including, in the case of a sale, the value of any lien or encumbrance remaining on the property at the time of sale. This tax is in addition to the tax levied by Article 8E of Chapter 105 of the General Statutes. The value of a lease subject to this tax shall be computed on the basis of the present value of the fixed lease payments and, if the lease payments are based in whole or in part on the lessee's receipts, the estimated amount of the lessee's receipts.

(b) Scope. A tax levied under this act applies to all instruments conveying an interest in real property in Currituck County except an instrument:

(1) Conveying an interest in real property from the United States, the State, or a political subdivision of the State;
(2) Recording a lease for a term of 10 years or less, unless:
  a. The lease gives the lessee an option to renew the lease for a period that, when added to the term of the lease, exceeds the 10-year limitation; or
  b. The lease is for substantially the same property and is between the same parties as a lease previously recorded, and the term of the new lease, when added to that of the previous lease, exceeds the 10-year limitation; or
  c. The lease requires or permits the property to be transferred to the lessee for less than the fair market value of the property;
(3) Securing indebtedness; or
(4) Recording a transfer in which no consideration was paid or is due the transferor by the transferee.

In addition, this tax does not apply to conveyances of an interest in real property by operation of law, by will, by intestacy, or by merger or consolidation.

(c) Collection. A tax levied under this act is payable by the transferor of the interest to the Currituck County Tax Collector. This tax must be paid at the tax collector's office before the instrument conveying the interest is recorded. The tax collector shall stamp or otherwise mark each instrument subject to the tax to indicate that the tax has been paid. The Currituck County Register of Deeds may not accept for recordation an instrument subject to a tax levied under this act unless the instrument bears the tax collector's mark indicating that the tax has been paid.

(d) Appeal. A person who is liable for a tax levied under this act who disputes the amount of tax due shall pay the tax stated by the tax collector to be due, but may appeal the payment of the tax to the Land Transfer Tax Appeals Board by filing a written notice of appeal with the tax collector within 30 days after paying the tax. Upon receipt of a notice of appeal, the tax collector shall forward a copy of the notice of appeal to the chairman of the Land Transfer Tax Appeals Board. A notice of appeal shall state the reason for the appeal and the amount of tax the appellant contends is due.

The Land Transfer Tax Appeals Board is established to determine appeals of taxes imposed under this act. The Board shall consist of seven members appointed by the Currituck County Board of Commissioners. The county commissioners shall designate one member of the Land Transfer Tax Appeals Board to serve as chairman. The expenses of the Board are an administrative expense and shall be paid from the proceeds of the tax.

Members of the Board shall serve staggered four-year terms, with the term of three of the members, as designated by the board of commissioners, ending on June 30 of one four-year period, and the terms of the remaining members ending on June 30 of the four-year period ending the second year following the year in which the terms of the other three members ended. Members shall serve until their successors are appointed. A vacancy shall be filled by the board of commissioners.

The Land Transfer Tax Appeals Board shall meet at the call of the chairman and shall meet as often as needed to hear appeals. All appeals to the Board shall be heard by the Board within 45 days of the date the tax collector receives a notice of appeal. The Board shall issue a written decision within 20 days after hearing an appeal and shall send a copy of the decision to the appellant and to the tax collector. If the decision states that an appellant paid more tax than was due, the tax collector shall immediately refund to the appellant the amount of the overpayment. The appellant and the tax collector may appeal the decision of the Board in an action brought in the district court of the county. An appeal to the district court shall be heard *de novo*.

(e) Use of tax revenue. The proceeds of a tax levied under this act shall be placed in a special Capital Reserve Fund in the general fund of Currituck County. Revenue in this Fund may be used by the county only for capital expenditures for solid waste disposal and county-operated buildings and related equipment or to retire any indebedness incurred by the county for these purposes.

(f) Penalties. A person who knowingly fails to pay a tax levied under this act, who knowingly aids another to fail to pay a tax levied under this act, or who, to avoid paying part or all of the tax due under this act, knowingly misstates the total consideration for an interest conveyed is guilty of a misdemeanor and is punishable by imprisonment for up to two years and a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000).

(g) Taxes recoverable by action. If a transferor fails to pay a tax imposed by this act within 30 days of the tax collector's demand that he pay the tax, the tax may be recovered by Currituck County in an action brought in the district court of the county. In an action to recover a tax imposed under this act, costs of court shall include a fee to the county of twenty-five dollars ($25.00) for the expense of collection. The court may award attorney's fees to the county.

(h) Effective date; application. A tax levied under this act shall become effective on the first day of a month, as designated in the resolution levying the tax, and may not become effective for at least 20 days after the adoption of the resolution. A tax levied under this act applies to instruments that are executed on or after the effective date of the levy, except instruments executed on on after that date that convey an interest in real property pursuant to a recorded written contract made before the effective date.

(i) Repeal. A tax levied by this act may be repealed by a resolution adopted by the Currituck County Board of Commissioners. Repeal or reduction of a tax levied under this act may not become effective, however, for at least 10 years after the effective date of the levy of the tax and may only become effective on the first day of a month. Repeal of a tax levied under this act shall apply to instruments recorded on or after the effective date of the repeal. Repeal of a tax levied under this act does not affect a liability for the repealed tax that attached before the effective date of the repeal.

(j) Expiration. A tax levied under this act shall expire 10 years from the date it first went into effect, if it has not been repealed before that date. Once a tax levied under this act is repealed or has expired, no other tax may be levied under this act.

Sec. 2. Notwithstanding subsection (d) of Section 1 of this act, the initial terms of three of the members appointed to the Land Transfer Tax Appeals Board, as designated by the county commissioners, shall end on June 30 of the second year after their term begins.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 584 **CHAPTER 671**

AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO HOLD AN ELECTION ON THE SALE OF MALT BEVERAGES AND UNFORTIFIED WINE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the population requirement of G.S. 18B-600, the Town of Seven Devils is authorized to hold an election to determine whether or not malt beverages and unfortified wine may be sold in that Town. That election and any subsequent sales of malt beverages and unfortified wine shall be in accordance with all other provisions of N.C.G.S. Chapter 18B concerning malt beverages and unfortified wine.

Sec. 2. If the on-premises sale of malt beverages or unfortified wine is approved in an election authorized by this act, those sales shall be restricted to hotels and restaurants, as those terms are defined in G.S. 18B-1000, that are located within the corporate limits of the Town as those limits exist on the effective date of this act.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 623 **CHAPTER 672**

AN ACT TO AUTHORIZE THE SECRETARY OF HUMAN RESOURCES TO REGULATE TRAFFIC.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-116.7(a) is amended by deleting the word "All" at the beginning of the first sentence and substituting the phrase "Except as otherwise provided in this section, all".

Sec. 2. G.S. 143-116.7(b) is rewritten to read:

"(b) The Secretary of Human Resources may promulgate regulations consistent with the provisions of Chapter 20 of the General Statutes, with respect to the use of the streets, alleys, and driveways of institutions of the Department of Human Resources. Based upon a traffic and engineering investigation, the Secretary of Human Resources may also determine and establish speed limits on streets lower than those provided in G.S. 20-141."

Sec. 3. G.S. 143-116.7 is further amended by rewriting subsections (c) and (d) and adding subsections (e) through (g) as follows:

"(c) The Secretary may, by regulation, regulate parking and establish parking areas on the grounds of institutions of the Department of Human Resources.

(d) The Secretary may, by regulation, provide for the registration and parking of motor vehicles maintained and operated by employees of the institution, and may fix fees, not to exceed ten dollars ($10.00) per year, for such registration.

(e) Regulations adopted under this section may provide that violation subjects the offender to a civil penalty, not to exceed fifty dollars ($50.00).

Penalties may be graduated according to the seriousness of the offense or the number of prior offenses by the person charged but shall not exceed fifty dollars ($50.00). The Secretary may establish procedures for the collection of penalties, and they may be enforced by civil action in the nature of debt.

(f) A regulation adopted under this section may provide for the removal of illegally parked motor vehicles. Any such removal must be in compliance with Article 7A of Chapter 20 of the General Statutes.

(g) Any person violating a regulation adopted under this section or a provision of Chapter 20 of the General Statutes made applicable to the grounds of State institutions under this section shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed fifty dollars ($50.00). A regulation may provide that certain acts prohibited thereby shall not be enforced by criminal sanctions, and in such cases a person committing any such act shall not be guilty of a misdemeanor.

(h) Any fees or civil penalties collected pursuant to this section shall be deposited in the General Fund Budget Code of the institution where the fees or fines are collected and shall only be used to support the cost of administration of this section."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 676 **CHAPTER 673**

AN ACT TO TRANSFER THE POWERS, DUTIES AND FUNCTIONS OF THE ROANOKE VOYAGES CORRIDOR COMMISSION TO THE ROANOKE VOYAGES AND ELIZABETH II COMMISSION, AND TO ABOLISH THE CORRIDOR COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1194, Session Laws of 1981 is amended by deleting "Roanoke Voyages Corridor Commission" every time those words appear, and substituting "Roanoke Voyages and Elizabeth II Commission".

Sec. 2. Chapter 1115, Session Laws of 1983 is amended by adding a new section to read:

"Sec. 2.1. (a) The Commission shall also have the powers and duties established by Chapter 1194, Session Laws of 1981, as amended.

(b) All lawful standards, rules, regulations, guidelines, contracts, agreements, permits, bylaws, and certificates of appropriateness of or issued by the Roanoke Voyages Corridor Commission shall remain in effect until modified, amended, revoked, repealed or changed (as appropriate) by the Roanoke Voyages and Elizabeth II Commission in accordance with law.

(c) All the assets and liabilities of the Roanoke Voyages Corridor Commission are vested in the Roanoke Voyages and Elizabeth II Commission."

Sec. 3. The Roanoke Voyages Corridor Commission is abolished.

Sec. 3.1. Sections 2 and 3 of Chapter 1194, Session Laws of 1981 are repealed.

Sec. 3.2. Section 2 of Chapter 1115, Session Laws of 1983 is amended by deleting "24 voting members", and substituting "26 voting members", and by inserting immediately before the words "eight voting", the words "one member appointed by the Dare County Board of Commissioners to represent the business community, one member appointed by the governing board of the Town of Manteo to represent the business community,".

Sec. 3.3. Section 2 of Chapter 1115, Session Laws of 1983 is further amended by adding the following new sentence immediately after the second sentence: "The members appointed by the Dare County Board of Commissioners and the governing board of the Town of Manteo shall serve for four-year terms."

Sec. 4. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 806 **CHAPTER 674**

AN ACT TO PROVIDE THAT THE LOCAL HEALTH DIRECTOR MAY ALLOW THE CONFINEMENT OF A LEGALLY VACCINATED AND RESTRAINED DOG OR CAT THAT BITES A PERSON ON THE OWNER'S PROPERTY FOR TEN DAYS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-196 is amended by inserting after the second sentence a new sentence to read:

"After reviewing the circumstances of the particular case, the local health director may allow the owner to confine the animal on the owner's property. An owner who fails to confine his animal in accordance with the instructions of the local health director shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for six months, or both."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 891 **CHAPTER 675**

AN ACT TO AMEND G.S. 90-95(d)(4) TO INCREASE THE PUNISHMENT FOR MISDEMEANOR POSSESSION OF MARIJUANA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-95(d)(4) is amended by rewriting that subdivision to read:

"(4) A controlled substance classified in Schedule VI shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than 30 days or fined not more than one hundred dollars ($100.00), or both, in the discretion of the court, but any sentence of imprisonment imposed must be suspended and the judge may not require at the time of sentencing that the defendant serve a period of imprisonment as a

special condition of probation. If the quantity of the controlled substance exceeds one-half of an ounce (avoirdupois) of marijuana or one-twentieth of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, the violation shall be punishable as a general misdemeanor. If the quantity of the controlled substance exceeds one and one-half ounces (avoirdupois) of marijuana or three-twentieths of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, or if the controlled substance consists of any quantity of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of marijuana, the violation shall be punishable as a Class I felony."

Sec. 2. G.S. 90-95(e)(7) is amended by deleting "includes only a fine" and inserting in its place "requires that any sentence of imprisonment be suspended".

Sec. 3. This act shall become effective October 1, 1985, and shall apply to offenses committed on and after that date.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 977 **CHAPTER 676**

AN ACT TO REFORM THE LAWS REGULATING COMMON CARRIERS OF PASSENGERS BY MOTOR VEHICLE.

The General Assembly of North Carolina enacts:

Section 1. This act shall be known as and may be cited as the "Bus Regulatory Reform Act of 1985".

Sec. 2. The General Assembly finds and declares that a safe, competitive and fuel efficient passenger bus industry contributes to a strong economy and is vital to the transportation needs of the elderly, handicapped and poor; that Congress has enacted the Bus Regulatory Reform Act of 1982, the stated purpose of which is to reduce unnecessary and burdensome government regulation of motor carriers of passengers; that it is in the interest of this State to amend and modify the laws regulating motor carriers of passengers to make them more compatible with the provisions of the Bus Regulatory Reform Act of 1982 and consistent with the public needs of the citizens of this State.

Sec. 3. G.S. 62-2 is amended by adding a new sentence at the end to read:

"The policy and authority stated in this section shall be applicable to common carriers of passengers by motor vehicle and their regulation by the North Carolina Utilities Commission only to the extent that they are consistent with the provisions of the Bus Regulatory Reform Act of 1985."

Sec. 4. G.S. 62-3 is amended in the following respects:

(1) There is added a new definition to read:

"(1a) 'Bus company' means any common carrier by motor vehicle which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate commerce of passengers over fixed routes or in charter operations, or both, except as exempted in G.S. 62-260."

(2) The definition of "(2) Certificate" is rewritten to read:

"(2) 'Certificate' means a certificate of public convenience and necessity issued by the Commission to a public utility or a certificate of authority issued by the Commission to a bus company."

(3) The definition of "(4) Charter party" is deleted and the following definition is substituted:

"(4) 'Charter operations' with regard to bus companies means the transportation of a group of persons for sightseeing purposes, pleasure tours, and other types of special operations, or the transportation of a group of persons who, pursuant to a common purpose and under a single contract, and for a fixed charge for the vehicle, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin."

(4) The definition of "(7) Common carrier by motor vehicle" is amended by inserting immediately before the word "except" the words "or in charter operations,".

(5) There is added a new definition to read:

"(9a) 'Fixed route' means the specific highway or highways over which a bus company is authorized to operate between fixed termini."

Sec. 5. G.S. 62-32(b) is amended by deleting the first word "The" and substituting:

"Except as provided in this Chapter for bus companies, the".

Sec. 6. G.S. 62-36 is amended by inserting after the word "necessity" the words "or any certificate of authority."

Sec. 7. G.S. 62-42(a) is amended by deleting the first word "Whenever" and substituting:

"Except as otherwise limited in this Chapter, whenever".

Sec. 8. G.S. 62-75 is amended by deleting the first word "In" and substituting:

"Except as otherwise limited in this Chapter, in".

Sec. 9. G.S. 62-110 is amended by deleting the first word "No" and substituting "Except as provided for bus companies in Article 12 of this Chapter, no".

Sec. 10. G.S. 62-111(b) is amended by inserting after "G.S. 62-262" the words "for contract carriers of passengers and G.S. 62-262.1 for bus companies".

Sec. 11. G.S. 62-111(e) is amended by adding a new sentence at the end to read:

"Provided, however, the Commission shall approve, without imposing conditions or limitations, applications for the transfer of a bus company franchise made under this section upon finding that the person acquiring the franchise or control of the franchise is fit, willing and able to perform services to the public under that franchise."

Sec. 12. G.S. 62-112 is amended by adding a new subsection (d) to read:

"(d) This section shall be applicable to bus companies."

Sec. 13. G.S. 62-113 is amended as follows:

(1) The present section shall be designated subsection (a) and a new sentence shall be added at the end to read:

"This subsection shall not be applicable to bus companies or their franchises."

(2) Add a new subsection (b) to read:

"(b) Each bus company franchise shall specify the fixed routes over which, and the fixed termini, if any, between which the bus company may operate. A franchise for bus companies engaged in charter operations may provide for fixed routes or statewide operating authority."

Sec. 14. G.S. 62-118(a) is amended by deleting "G.S. 62-262(k)" and substituting "G.S. 62-262(h) and G.S. 62-262.2."

Sec. 15. Article 7 of Chapter 62 is amended as follows:

(1) G.S. 62-130 is amended by deleting subsection (b).

(2) G.S. 62-133(a) is amended by inserting immediately after "other than" the words "bus companies,".

(3) G.S. 62-134 is amended by adding a new subsection (g) to read:

"(g) The provisions of this section shall not be applicable to bus companies or to their rates, fares or tariffs."

(4) G.S. 62-141 is amended as follows:

(a) Subsection (a) is amended by deleting the words "of passengers or".

(b) Subsection (b) is amended by deleting the words "of passengers or".

(c) Add a new subsection (c) to read:

"(c) The provisions of this section shall not be applicable to bus companies or to their rates, charges or tariffs."

(5) G.S. 62-146 is amended as follows:

(a) The caption of the section is amended to read: "Rates and service of motor common carriers of property."

(b) Subsection (a) is amended by inserting after the words "every common carrier" the words "of property".

(c) Subsection (d) is amended by inserting after the words "common carriers" the words "of property".

(d) Subsection (e) is amended by changing the comma after the words "thereafter to be made effective" to a period and deleting the remainder of this subsection beginning with the words "and in the case of passenger carriers" through the end of the subsection.

(e) Subsection (g) is amended by inserting after the words "any common carrier" the words "of property".

(f) Subsection (c) is deleted.

(6) A new section is added to Article 7 of Chapter 62 to read:

"§ 62-146.1. *Rates and service of bus companies.*—(a) It shall be the duty of every bus company to provide safe and adequate service, equipment and facilities for transportation of passengers in intrastate commerce and to establish, observe and enforce just and reasonable regulations and practices.

(b) The Commission by its rules and regulations may require the interlining of passengers by bus companies operating in intrastate commerce in this State where the point of destination of the passenger is not served by the originating carrier. In these cases it shall be the duty of every bus company to establish reasonable through rates with other bus companies; to establish, observe and enforce just and reasonable individual

and joint rates, fares and charges and just and reasonable regulations and practices relating to the charges and to the issuance, form and substance of tickets and the carrying of personal and excess baggage.

(c) In case of joint rates between bus companies, it shall be the duty of the bus companies to establish just and reasonable regulations and practices in connection with the joint rates and just, reasonable and equitable divisions between the participating companies, which shall not unduly prefer or prejudice any of the participating companies.

(d) A bus company providing fixed route service may file with the Commission a petition for new or revised rates, fares or charges. Unless the Commission orders otherwise, no bus company shall make any changes in its rates, fares or charges, which have been established under this Chapter, except after 30 days' notice to the Commission. The notice shall plainly state the changes proposed to be made in the rates then in force, and the time when the changed rates will go into effect. The bus company shall also give notice, which may include notice by publication, of the proposed changes to other interested persons that the Commission may direct. All proposed changes shall be shown by filing new schedules, or shall be plainly indicated upon schedules filed with the Commission and in force at the time and kept open to public inspection by the bus company. The Commission, for good cause shown in writing, may allow changes in rates without requiring the 30 days' notice, under any conditions as it prescribes. All changes shall be immediately indicated by the bus company on its schedules.

(e) Whenever there is filed with the Commission by any bus company any schedule stating a new or revised rate, fare or charge, the Commission may, either upon complaint or upon its own initiative, after reasonable notice, hold a hearing to determine if the proposed new or revised rates, fares or charges are just and reasonable. Pending the hearing and a decision, the Commission, upon filing with the proposed schedule and delivering to the affected bus company a statement in writing of its reasons, may, at any time before they become effective, suspend the operation of the rate or rates, for a period not to exceed 120 days from the filing of the petition. If the proceeding has not been concluded and a final order made within the period of suspension, the proposed change of rate shall go into effect at the end of the 120-day period.

(f) In any proceeding to determine the justness or reasonableness of any rates, fares or charges of a bus company, the Commission shall authorize revenue levels that are adequate under honest, economical, and efficient management to cover total operating expenses, including the operation of leased equipment and depreciation, plus a reasonable profit. The standards and procedures adopted by the Commission under this subsection shall allow the bus company to achieve revenue levels that will provide a flow of net income, plus depreciation, adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, attract and retain capital and amounts adequate to provide a sound passenger bus transportation system in this State, and take into account reasonable estimated or foreseeable future costs.

(g) Notwithstanding any provision of this section, the Commission may not investigate, suspend, review or revoke the operation of proposed new or revised rates, fares or charges if the proposed new or revised rates, fares or charges do not exceed the standard rates, fares or charges then in effect by the petitioning bus company for comparable interstate transportation of passengers.

(h) Any person may make complaint in writing to the Commission that any rate, fare, charge, classification, rule, regulation, or practice in effect, or proposed to be put in effect, is or will be in violation of this Chapter. Whenever, after holding a hearing, upon complaint, in an investigation, or upon its own initiative, the Commission finds that any individual or joint rate demanded, charged, or collected by any bus company for transportation of passengers in intrastate commerce, or any classification, rule, regulation or practice of the bus company affecting the rate or the value of the service provided, is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial or constitute an unfair or destructive competitive practice, or otherwise contravenes the policies declared in this Chapter, or is in contravention of any provision of this Chapter, the Commission shall determine and prescribe the lawful rate, or the lawful classification, rule, regulation or practice to be put into effect.

(i) For purposes of this Chapter, rates, fares and charges established pursuant to this section shall be deemed fair, just and reasonable.

(j) Notwithstanding any other provision of this Chapter, the rates, fares and charges established for charter service by a bus company authorized and engaged in charter operations in this State shall be exempt from regulation by the Commission. A bus company authorized and engaged in charter operations shall file with the Commission a current statement of its rates, fares and charges as required by the Commission."

Sec. 16. G.S. 62-259 is amended by adding a sentence at the end to read:

"The provisions of this section and these policies are applicable to bus companies and their rates and services only to the extent with which they are consistent with the provisions of G.S. 62-259.1 and of the Bus Regulatory Reform Act of 1985."

Sec. 17. Article 12 of Chapter 62 is amended by adding a new section thereto reading as follows:

"§ 62-259.1. *Specific declaration of policy for bus companies.*—The transportation of passengers, their baggage and express, by bus companies has become increasingly subject to competition from other forms of transportation which are unregulated or only partially regulated as to rates and services. It is in the public interest and it is the policy of this State that bus companies be partially deregulated so that they may rely upon competitive market forces to determine the best quality, variety and price of bus services, thereby promoting the public health, safety and welfare by strengthening and increasing the viability of this necessary form of transportation."

Sec. 18. Rewrite subdivisions (1) and (2) of G.S. 62-261 as follows:

"(1) To supervise and regulate bus companies and to that end, the Commission may establish reasonable requirements with respect to

continuous and adequate service, transportation of baggage, newspapers, mail and light express, uniform system of accounts, records and reports and preservation of records.

(2) To supervise the operation and safety of passenger bus stations in any manner necessary to promote harmony among the carriers using such stations and efficiency of service to the traveling public."

Sec. 19. G.S. 62-262 is amended by:

(1) Amending the caption to read: "*Applications and hearings other than for bus companies.*"

(2) Amending subsection (a) by inserting immediately after the words "G.S. 62-260", the words "G.S. 62-262.1".

(3) Amending subsection (b) by deleting the words "bus applications" and substituting the words "applications by contract carriers of passengers".

(4) Deleting subsections (f), (g) and (h).

(5) Deleting the words "certificate or" each time they appear in subsection (j).

(6) Adding a new subsection (l) to read as follows:

"(l) The provisions of this section shall not be applicable to applications for certificates of authority by bus companies or related hearings."

Sec. 20. Article 12 of Chapter 62 is amended by adding a new section to read:

"§ 62-262.1. *Certificates of authority for passenger operations by bus companies.*—(a) Except as provided in G.S. 62-260, 62-262 and 62-265, no person shall engage in the transportation of passengers in intrastate commerce by motor vehicle without having applied for and obtained a certificate authorizing those operations from the Commission. It shall be unlawful for any person to knowingly or willfully operate in intrastate commerce in a manner contrary to the provisions of this Article or to the rules and regulations of the Commission. No certificate shall be amended to enlarge, or in any manner extend, the scope of operations of a bus company without complying with the provisions of this section.

(b) Any bus company desiring a certificate of authority to operate in intrastate commerce in this State over fixed routes, or to enlarge or in any manner extend the scope of its fixed route operations previously granted by the Commission, may do so by filing a verified application with the Commission and by paying the filing fee established by G.S. 62-300.

(c) The Commission shall issue a certificate of authority to an applicant for the transportation of passengers over a fixed route or to enlarge or extend authority previously granted, if the Commission finds that the applicant is fit, willing and able to provide the transportation to be authorized by the certificate and to comply with the provisions of this Chapter, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized is not consistent with the public interest.

(d) In making any findings relating to public interest under subsection (c) of this section, the Commission shall consider, to the extent applicable, (i) the transportation policy of this State as it relates to bus companies under G.S. 62-259.1 and this Chapter; (ii) the value of competition to the

traveling and shipping public; (iii) the effect of issuance of the certificate on bus company service to small communities; and (iv) whether issuance of the certificate would impair the ability of any other fixed route carrier of passengers to provide a substantial portion of its fixed route passenger service, except that diversion of revenue or traffic from a fixed route carrier of passengers, alone, shall not be sufficient to support a finding that issuance of the certificate would impair the ability of the carrier to provide a substantial portion of its fixed route passenger service.

(e) Within 10 days after the filing of an application, the applicant shall provide notice to be given as required by Commission rule. If no protest, raising material issues of fact to the granting of the application, is filed with the Commission within 30 days after the notice is given, the Commission may, upon review of the record and without a hearing, issue its certificate of authority granting the requested operating authority, if it is satisfied that the applicant meets the requirements set forth in subsection (c) of this section.

(f) If protests are filed raising material issues of fact to the granting of the application, the Commission shall set the application for hearing, as soon as possible, and cause notice to be given as provided by its rules. At the hearing, the only issues for consideration are those set forth in subsections (c) and (d) of this section. The Commission shall issue its final order not later than 180 days after the application is filed.

(g) Any bus company authorized to transport passengers in intrastate commerce over fixed routes in this State and which in fact provides that service may, without filing a new application or paying further fees: (i) transport newspapers, express parcels or United States mail over the fixed routes on which it provides passenger transportation; (ii) provide charter operations to all points in the State; and (iii) transport charter passengers in the same motor vehicles with fixed route passengers.

(h) Any bus company seeking a certificate to engage solely in charter operations within the State, or to enlarge or in any manner extend the scope of its charter operations previously granted by the Commission, may obtain one by (i) filing a verified application for the authority with the Commission; (ii) paying the applicable filing fee as prescribed by G.S. 62-300; and (iii) demonstrating that it is fit, willing and able to perform the proposed charter operations.

(i) Within 10 days after filing of an application for charter operations, the applicant shall provide notice as required by Commission rule or regulation. If no protests to the granting of the application, raising material issues of fact, are received by the Commission within 30 days after the notice is given, the Commission shall issue its certificate granting the requested authority unless it determines that the applicant is unfit, unwilling or unable to perform the proposed operations. In the event of this determination, or if protests to the proposed operation raising material issues of fact are received, the Commission shall set the application for hearing, as soon as possible, and provide notice to be given as provided by its rules and shall issue its final order within 180 days after application is filed. At the hearing, the only issue for consideration shall be whether the applicant is fit, willing and able to perform the proposed charter operations and the issue of need shall not be considered. On the

issue of its fitness, willingness and ability to perform the proposed charter operations, the applicant in its application and at any hearing shall present evidence from which the Commission may find that: (i) the applicant has sufficient assets to perform properly the proposed operations; (ii) the operation will be conducted only with properly qualified drivers; (iii) the applicant will maintain safe, clean and attractive buses and equipment; (iv) the applicant will maintain insurance for the protection of the public as provided in this Chapter; (v) the applicant has sufficient equipment to conduct the proposed operation; and (vi) the applicant will observe all applicable laws, rules and regulations of this State.

(j) Any bus company authorized and engaged solely in charter operations shall not be required to transport passengers over a fixed route in this State as an incidence to its charter operations."

Sec. 21. Article 12 of Chapter 62 is amended by adding a new section to read:

"§ 62-262.2. *Discontinuance or reduction in service.*—(a) When a bus company proposes to discontinue service over any intrastate route or proposes to reduce its level of service to any points on a route to a level which is less than one trip per day (excluding Saturdays and Sundays), it shall petition the Commission for permission to do so. Within 10 days after the filing of a petition, the Commission shall require notice to be given.

(b) Any person or the Public Staff may object, to the Commission, to the granting of permission to any bus company to discontinue or reduce transportation under this section. If neither objects to the granting of permission to discontinue or reduce service under this section, within 30 days after the notice as required by subsection (a) of this section, the Commission may grant the permission based on the record and without hearing.

(c) If, within 30 days after the notice as required by subsection (a) of this section, any person or the Public Staff objects in writing to the Commission to granting of such permission, the Commission shall grant such permission unless the Commission finds as a fact, that the discontinuance or reduction in service is not consistent with the public interest or that continuing the transportation, without the proposed discontinuance or reduction, will not constitute an unreasonable burden on interstate commerce. In making a finding under this subsection, the Commission shall accord great weight to the extent to which the interstate and intrastate revenues from the transportation proposed to be reduced or discontinued are less than the variable costs of providing the transportation, including depreciation for revenue equipment. The Commission may also consider, to the extent applicable, all other factors which are to be considered by the Interstate Commerce Commission in a proceeding commenced under 49 U.S.C. § 10935. For the purposes of this section, the bus company filing a petition for permission to discontinue or reduce service shall have the burden of proving (i) the amount of its interstate and intrastate revenues received for transportation to, from or between, but not through, points on the involved intrastate route; and (ii) the system variable costs of providing the transportation.

(d) The Commission may make its determination with or without a public hearing. The Commission shall take final action upon the petition not later than 120 days after any written objections to the petition are filed.

(e) The provisions of G.S. 62-262(h) shall not be applicable to bus companies."

Sec. 22. G.S. 62-268 is amended by adding the following new paragraph:

"Notwithstanding any other provisions of this section or Chapter, bus companies shall file with the Commission proof of financial responsibility in the form of bonds, policies of insurance, or shall qualify as a self insurer, with minimum levels of financial responsibility as prescribed for motor carriers of passengers pursuant to the provisions of 49 U.S.C. § 10927(a)(1)."

Sec. 23. G.S. 62-275 is repealed.

Sec. 24. G.S. 62-300 is amended by adding a new subdivision to read:

"(5a) With each application by a bus company for an original certificate of authority or for any amendment thereto or to an existing certificate of public convenience and necessity so as to extend or enlarge the scope of operations thereunder the fee shall be two hundred fifty dollars ($250.00)."

Sec. 25. Issuance of certificates of authority. Within 180 days after the effective date of this act a certificate of authority shall be issued by the North Carolina Utilities Commission to each person authorized as of the effective date of this act to provide intrastate services within North Carolina as a common carrier of passengers by motor vehicle, and the certificate of authority shall authorize the same type and extent of services authorized prior to the effective date of this act. Upon issuance of the certificate of authority, the franchise certificate issued prior to the effective date of this act shall be cancelled. Each person authorized as of the effective date of this act to provide intrastate services within North Carolina as a common carrier of passengers by motor vehicle shall be authorized to continue to provide the same type and extent of services for a period of 180 days following the effective date of this act. No certificate of authority shall be issued to operate as a common carrier of passengers by motor vehicle to a person who, during the two years prior to the effective date of this act, failed to perform any transportation for compensation for a period of 30 days or more, without a determination, after notice and hearing, as to whether the franchise certificate should be declared dormant and cancelled. The Commission, on its own motion, or each person authorized as of the effective date of this act to provide intrastate services within North Carolina as a common carrier of passengers by motor vehicle, shall be entitled to commence within 120 days of the effective date of this act, a complaint proceeding to cancel any certificate of authority issued to a common carrier of passengers by motor vehicle which, during the two years prior to the effective date of this act, failed to perform any transportation for compensation for a period of 30 days or more. The complaint proceeding shall be governed by the provisions of G.S. 62-112.

Sec. 26. This act is effective upon ratification, but shall not apply to pending litigation or to pending proceedings before the North Carolina Utilities Commission.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 1063 **CHAPTER 677**

AN ACT TO GRANT PARITY WITH FEDERALLY CHARTERED SAVINGS AND LOAN ASSOCIATIONS BY PERMITTING STATE CHARTERED SAVINGS AND LOAN ASSOCIATIONS TO CALL THEMSELVES SAVINGS BANKS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 54B-4 is amended by adding the following definition:

"(44.1) 'Savings bank' means an association which has exercised the authority granted in G.S. 54B-26 and adopted a name which includes the words 'savings bank'."

Sec. 2. G.S. 54B is amended by adding a new section to be numbered and to read as follows:

"§ 54B-26. *Savings Banks.*—Any State association may amend its charter to change its name, or in the case of a new charter may adopt a name, which includes the words 'savings bank' in lieu of the words 'savings and loan association'. For purposes of all the laws of the State of North Carolina, the words 'savings and loan association' shall include 'savings bank'. The administrator shall adopt rules governing the procedure for adopting the name of a savings bank."

Sec. 3. G.S. 53-1 is amended by rewriting subdivision (1) to read as follows:

"(1) Bank. The term 'bank' shall be construed to mean any corporation, other than savings and loan associations, savings banks, industrial banks, and credit unions, receiving, soliciting or accepting money or its equivalent on deposit as a business."

Sec. 4. G.S. 53-2 is amended in the introductory paragraph by deleting the following words and punctuation:

"or engaging in the business of establishing, maintaining, and operating offices of loan and deposits to be known as savings banks, or of establishing, maintaining, and operating banks having departments for both classes of business,";

and by rewriting subdivision (3) thereof to read as follows:

"(3) the nature of its business, whether that of a commercial bank, trust company, or a combination of both such classes of business,".

Sec. 5. G.S. 53-77.3(a)(1) is amended by deleting the words and punctuation "savings banks,".

Sec. 6. G.S. 53-127 is amended by adding the following phrase at the beginning of the first sentence thereof and the same phrase at the beginning of the second sentence thereof:

"Except for savings and loan associations acting pursuant to the authority granted in G.S. 54B-26,".

Sec. 7. The provisions of this act shall not apply to any institution chartered as a savings bank prior to the effective date of this act and any such institution shall continue to be regulated and supervised in accordance with the laws of the State of North Carolina in effect prior to ratification of this act.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 1151 **CHAPTER 678**

AN ACT TO ALLOW PRODUCERS TO OBTAIN LIENS AGAINST ASSETS OF THE DISTRIBUTOR FOR FAILURE TO PAY FOR MILK SOLD OR CONSIGNED.

The General Assembly of North Carolina enacts:

Section 1. Article 12 of Chapter 44 of the General Statutes is amended by adding a new section to read:

"§ 44-69.3. *Liens on tangible and intangible assets of milk distributors.*—(a) A producer, or an association of producers who supplies milk either through an agreement of sale or on consignment to a distributor shall, upon complying with the provisions of this section, have a lien upon the tangible and intangible assets, including but not limited to the accounts receivable of the distributor to secure payment for such milk. For purposes of this section the term 'milk' is as defined in Article 28B of Chapter 106 of the General Statutes.

(b) The lien claimed by the producer or association of producers must be filed in the office of the clerk of court for the county of the distributor's principal place of business. Provided that if the distributor is not a resident of the State a filing must be made with the clerk of superior court for the county in which the distributor's registered office is located. The clerk shall note the claim of lien on the judgment docket and index the same under the name of the distributor at the time the claim is filed.

(c) A producer or association of producers claiming nonpayment for milk sold to a distributor shall file with the clerk a notarized statement of nonpayment. The statement shall contain at a minimum the following information:

(1) The name of the distributor who received the milk;
(2) The date and quantity of milk shipped for which payment has not been received; and
(3) A statement from the North Carolina Milk Commission certifying the amount due from the distributor, and the date payment was due.

The producer or association of producers shall furnish a copy of the statement as provided by this subsection to the distributor, which shall constitute a notice of claim of lien. The notice shall be served personally by a person authorized by law to serve process or by certified mail. The lien granted by this section shall be effective as of the time it is filed with the clerk of court. Provided the distributor shall have the right to contest the validity of such lien by filing, with the clerk of court and serving on

the producer within 10 days after he receives notice that the producer has filed a claim of lien, a notice that the distributor contest the amount due thereunder. In the event the distributor fails to contest the lien or is unsuccessful in obtaining a discharge of the lien, the lien shall be perfected as of the date of filing with the clerk of court.

(d) The lien created by this section may be discharged in any of the following manner:

(1) By filing with the clerk of superior court a receipt of acknowledgment signed by the chairman of the North Carolina Milk Commission or his designee, that the lien has been discharged;

(2) By depositing with the clerk of superior court money equal to the amount of the claim, which money shall be held for the benefit of the producer; or

(3) By an entry in the lien docket that the action on the part of the lien claimant to enforce the lien has been dismissed or a judgment has been rendered against the claimant in such action.

(4) By filing with the clerk a sworn statement signed by the producer or an official of an association of producers that the lien or claim of lien has been satisfied.

(e) Action to enforce the lien created by this section may be instituted in any court of competent jurisdiction in the county where the lien was filed not later than 90 days following the maturity of the distributor's obligation to pay for the milk. In the event no action to enforce the lien is commenced within the 90-day period the lien created hereby shall no longer be valid. Nothing herein shall prohibit the North Carolina Milk Commission from acting as a mediator or an arbitrator between the distributor and producer or association of producers when there is a claim of nonpayment at any time before or after claim of lien is filed but before a judgment is rendered."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 1188 **CHAPTER 679**

AN ACT TO LIMIT FINANCIAL INSTITUTIONS FROM CERTAIN INSURANCE ACTIVITIES WITH CUSTOMERS.

The General Assembly of North Carolina enacts:

Section 1. Article 3 of General Statutes Chapter 58 is amended by adding a new section to read:

"§ 58-51.5. No lender shall require the purchase of insurance from such lender or subsidiary or affiliate of such lender as a condition to the making, renewing or refinancing of any loan or to the establishing of any of the terms or conditions of such loan. Lenders shall not include organizations of the Farm Credit System."

Sec. 2. This act shall be effective October 1, 1985.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 1209 **CHAPTER 680**

AN ACT TO PERMIT THE PROVISION OF TELEPHONE SERVICE BY ENTITIES OTHER THAN THE CERTIFICATED TELEPHONE COMPANY BY COIN, COINLESS, OR KEY-OPERATED PAY TELEPHONES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 62-110 is amended by adding the following paragraphs at the end:

"The Commission shall be authorized, consistent with the public interest, to adopt procedures for the issuance of a special certificate to any person for the limited purpose of offering telephone service to the public by means of coin, coinless, or key-operated pay telephone instruments. This service may be in addition to or in competition with public telephone services offered by the certificated telephone company in the service area. The certificated local exchange telephone company in the service area where any new pay telephone service is proposed shall be the only provider of the access line from the pay instrument to the network, and the rates approved by the Commission for this access line shall be fully compensatory, reflect the business nature of the service, and shall be set on a measured usage rate basis where facilities are available or on a message rate basis otherwise. The Commission shall promulgate rules to implement the service authorized by this section, recognizing the competitive nature of the offerings and, notwithstanding any other provision of law, the Commission shall determine the extent to which such services shall be regulated and to the extent necessary to protect the public interest regulate the terms, conditions, and rates for such service and the terms and conditions for interconnection to the local exchange network."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 1239 **CHAPTER 681**

AN ACT TO PROVIDE THAT A LOAN INSTRUMENT THAT CONTAINS NO PREPAYMENT TERMS OR PREPAYMENT TERMS THAT ARE NOT IN ACCORDANCE WITH LAW MAY BE PREPAID.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 24 is amended by adding a new section to read:

"§ 24-2.4. *Prepayment of a loan if there are no prepayment terms or if the prepayment terms are not in accordance with law.*—A borrower may prepay a loan in whole or in part without penalty where the loan instrument does not explicitly state the borrower's rights with respect to prepayment or where the provisions for prepayment are not in accordance with law."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 1311 **CHAPTER 682**

AN ACT TO REMOVE THE RESTORATION FEE ON DRIVER'S LICENSES THAT ARE VOLUNTARILY SURRENDERED FOR HEALTH REASONS.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of G.S. 20-7(i1) is rewritten to read:

"This restoration fee shall not be required from any licensee whose license was suspended, canceled, revoked or voluntarily surrendered for medical or health reasons whether or not a medical evaluation was conducted pursuant to this Chapter."

Sec. 2. The first sentence of G.S. 20-7(i1) is amended by deleting "the issuance of such person of a new driver's license" and substituting "the issuance to such person of a new driver's license".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

H.B. 1321 **CHAPTER 683**

AN ACT TO FURTHER REGULATE REGIONAL BANK HOLDING COMPANIES SEEKING TO ACQUIRE NORTH CAROLINA BANKS OR BANK HOLDING COMPANIES.

The General Assembly of North Carolina enacts:

Section 1. Subsections (b) and (c) of G.S. 53-225 are repealed and the following is inserted in lieu thereof:

"(b) Except for the provisions of G.S. 53-227.1, nothing in this Article shall be deemed to apply to the registration, examination or supervision of banks or trust companies."

Sec. 2. Article 18 of Chapter 53 of the General Statutes is amended by adding a new section to read as follows:

"§ 53-227.1. *Criteria for certain bank holding company acquisitions.*—(a) In addition to the criteria set forth in G.S. 53-211(a) and (b) to be used by the Commissioner in reviewing applications for acquisitions of North Carolina banks and bank holding companies, the Commissioner shall:

(1) apply the criteria which would be applied to a North Carolina bank holding company making an acquisition in another state by the regulatory authorities of the State in which the applicant has its principal place of business, as defined by G.S. 53-210(10); and

(2) shall approve that application only if the Commissioner finds it meets those additional criteria.

(b) In the event that the state in which the applicant has its principal place of business has no criteria other than the criteria similar to those

set forth in G.S. 53-211(a) and (b), the Commissioner shall approve that application only if he determines that:

(1) the proposed acquisition would be not detrimental to the safety and soundness of the applicant or of the North Carolina bank or bank holding company which applicant seeks to control or whose stock is to be acquired; and

(2) the applicant, its directors and officers, if applicable, and any proposed new directors and officers of the North Carolina bank or bank holding company which applicant seeks to control or whose stock is to be acquired, are qualified by character, experience and financial responsibility to control and operate a North Carolina bank."

Sec. 3. The first two sentences of G.S. 53-215 are rewritten to read:

"Any aggrieved party in a proceeding under G.S. 53-211, G.S. 53-212(2) or G.S. 53-227.1 may, within 30 days after final decision of the Commissioner, appeal his decision to the State Banking Commission. The State Banking Commission, within 30 days of receipt of the notice of appeal, shall approve, disapprove or modify the Commissioner's decision. Failure of the State Banking Commission to act within 30 days of receipt of notice of appeal shall constitute a final decision of the State Banking Commission approving the decision of the Commissioner. Notwithstanding any other provision of law, any aggrieved party to a decision of the State Banking Commission, within 30 days after final decision of the Commission, may appeal directly to the North Carolina Court of Appeals for judicial review on the record."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

S.B. 849 **CHAPTER 684**

AN ACT TO EXTEND THE EXPIRATION DATE OF THE ADMINISTRATIVE PROCEDURE ACT AND RULES ADOPTED UNDER THAT ACT.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of Section 52 of Chapter 923, Session Laws of 1983, as amended by Section 1 of Chapter 504, Session Laws of 1985, is amended by deleting "July 11, 1985", and substituting "July 14, 1985".

Sec. 2. Section 1 of Chapter 883, Session Laws of 1983, as amended by Section 2 of Chapter 504, Session Laws of 1985, is amended by deleting "July 11, 1985", and substituting "July 14, 1985".

Sec. 3. This act shall become effective July 10, 1985.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

S.B. 322 **CHAPTER 685**

AN ACT TO PROVIDE NUMBERED NATIONAL GUARD REGISTRATION PLATES TO SENIOR ENLISTED MEMBERS AND RETIRED MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-80 is rewritten to read:

"§ 20-80. *National guard plates.*—(a) The Commissioner shall cause to be made each year a sufficient number of motor vehicle license plates to furnish each member of the North Carolina National Guard with one. The license plates are to be in the same form and character as the other license plates, authorized by law for use on private passenger vehicles registered in this State, except that these license plates shall bear the words 'National Guard'. These license plates shall be issued only to members of the North Carolina National Guard and the Commissioner shall collect fees in an amount equal to the fees collected for the licensing and registering of private vehicles not registered for more than 4,000 pounds. The Adjutant General of North Carolina shall furnish the Commissioner annually with an estimate of the number of the distinctive plates required.

(b) The Adjutant General of North Carolina shall furnish to the Commissioner each year, prior to the date that the licenses are issued, a list of the commissioned officers of the North Carolina National Guard which shall contain the rank of each commissioned officer listed in the order of his seniority in the North Carolina National Guard and the license plates to be set aside for commissioned officer personnel shall be numbered, beginning with the number one, in numerical sequence up to and including the number 1600, according to seniority, the senior commissioned officer being issued the license bearing the numeral one.

(c) The Adjutant General of North Carolina shall furnish to the Commissioner each year, prior to the date that licenses are issued, a list of the noncommissioned officers with a rank of E7, E8, and E9 of the North Carolina National Guard which shall contain the rank of each noncommissioned officer listed in the order of his seniority in the North Carolina National Guard and the license plates to be set aside for noncommissioned officer personnel shall be numbered beginning with the number 1601 and in numerical sequence up to and including the number 3000, according to seniority, the senior noncommissioned officer being issued the license plate bearing the number 1601.

(d) Enlisted personnel with a rank of E6 or below applying for the distinctive plates shall present to the Division proof of membership in the North Carolina National Guard by means of a certificate signed by the commanding officer of the applicant on the forms prescribed by the Adjutant General of North Carolina and the Division.

(e) If a holder of the distinctive license plate is discharged from the North Carolina National Guard under other than honorable conditions, he shall exchange the distinctive plate for a standard plate within 30 days of his discharge.

(f) Retired/separated members of the North Carolina National Guard that can provide to the Division a copy of their 'Notification of Eligibility

for Retired Pay at Age 60' may purchase the distinctive license plate, except that plates for this category of retired/separated members shall bear the symbol 'R' or the word 'Retired' as shall be determined most appropriate by the Division. Fees for these retired license plates shall be the same as fees for the licensing and registering of private vehicles not registered for more than 4,000 pounds plus an additional fee of ten dollars ($10.00).

(g) The revenue derived from the additional fee for such plates shall be placed in a separate fund designated the 'Retired National Guard Registration Plate Fund'. After deducting the cost of the plates, plus budgetary requirements for handling an issuance, to be determined by the Commissioner of Motor Vehicles, any remaining moneys derived from the additional fee for such plate shall be periodically transferred in accordance with G.S. 20-81.3(c)."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

S.B. 735 **CHAPTER 686**

AN ACT TO MAKE ATTENDANCE COUNSELORS SCHOOL SOCIAL WORKERS.

The General Assembly of North Carolina enacts:

Section 1. The second paragraph of G.S. 115C-416 is amended by deleting the words "attendance counselors" and substituting "school social workers".

Sec. 2. G.S. 115C-307(f) is amended by deleting the words "attendance officer" and substituting "school social worker".

Sec. 3. G.S. 115C-381 is rewritten to read:

"§ 115C-381. *School social workers; reports; prosecutions.*—The Superintendent of Public Instruction shall prepare such rules and procedures and furnish such blanks for teachers and other school officials as may be necessary for reporting such case of unlawful absence or lack of attendance to the school social worker of the respective local school administrative units. Such rules shall provide, among other things, for a notification in writing, to the person responsible for the nonattendance of any child, that the case is to be reported to the school social worker of the local school administrative unit unless the law is complied with immediately. Upon recommendation of the superintendent, local boards of education may employ school social workers and such school social workers shall have authority to report and verify on oath the necessary criminal warrants or other documents for the prosecutions of violations of this Part: Provided, that local school administrative units shall provide in their local operating budgets for travel and necessary office expense for such school social workers as may be employed through State or local funds, or both. The State Board of Education shall determine the process for allocating school social workers to the various local school administrative units, establish their qualifications, and develop a salary schedule which shall be applicable to such personnel: Provided, that persons now employed

by local boards of education as attendance counselors shall be deemed qualified as school social workers under the terms of this Part subject to the approval of said local boards of education.

The school social worker shall investigate all violators of the provisions of this Part. The reports of unlawful absence required to be made by teachers and principals to the school social worker shall, in his hands, in case of any prosecution, constitute *prima facie* evidence of the violation of this Part and the burden of proof shall be upon the defendant to show the lawful attendance of the child or children upon an authorized school."

Sec. 4. The first sentence of G.S. 115C-382 is amended by deleting the words "attendance counselor" and substituting "school social worker".

Sec. 5. This act is effective upon ratification and applies only to school years beginning with the 1985-86 school year.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 270 CHAPTER 687

AN ACT TO AMEND G.S. 20-294 RELATING TO DEALER LICENSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-294(2) is hereby amended by inserting the words "or Article 15" immediately after the words "with any provision of this Article".

Sec. 2. G.S. 20-294(9) is hereby rewritten to read as follows:

"(9) Conviction of an offense set forth under G.S. 20-106, 20-106.1, 20-107, 20-112 while holding such a license or within five years next preceding the date of filing the application; or conviction of a felony involving moral turpitude under the laws of this State, any other state, territory or the District of Columbia or of the United States."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 536 CHAPTER 688

AN ACT TO PROTECT CONSUMERS IN NORTH CAROLINA BY PROVIDING FOR PLACEMENT OF INSURANCE WITH FINANCIALLY SOUND NONADMITTED INSURERS AND FOR A SYSTEM OF REGULATION OF SURPLUS LINES INSURANCE.

The General Assembly of North Carolina enacts:

Section 1. Subchapter IX of General Statutes Chapter 58 is amended by adding a new Article to read:

"Article 36.
"Surplus Lines Act.

"§ 58-420. *Short title.*—This Article shall be known and may be cited as the 'Surplus Lines Act'.

"§ 58-421. *Purposes; necessity for regulation.*—This Article shall be liberally construed and applied to promote its underlying purposes, which include:

(1) Protecting persons in this State seeking insurance;

(2) Permitting surplus lines insurance to be placed with reputable and financially sound nonadmitted insurers and exported from this State pursuant to this Article;

(3) Establishing a system of regulation that will permit orderly access to surplus lines insurance in this State and encourage admitted insurers to provide new and innovative types of insurance available to consumers in this State; and

(4) Protecting revenues of this State.

"§ 58-422. *Definitions.*—As used in this Article:

(1) 'Admitted insurer' means an insurer licensed to do an insurance business in this State.

(2) 'Capital', as used in the financial requirements of G.S. 58-424, means funds paid in for stock or other evidence of ownership.

(3) 'Eligible surplus lines insurer' means a nonadmitted insurer with which a surplus lines licensee may place surplus lines insurance under G.S. 58-424.

(4) 'Export' means to place surplus lines insurance with a nonadmitted insurer.

(5) 'Nonadmitted insurer' means an insurer not licensed to do an insurance business in this State. This definition includes insurance exchanges authorized under the laws of various states.

(6) 'Producing broker' means an agent or broker licensed under Article 3 of this Chapter who deals directly with the party seeking insurance and who may also be a surplus lines licensee.

(7) 'Surplus', as used in the financial requirements of G.S. 58-424, means funds over and above liabilities and capital of the company for the protection of policyholders.

(8) 'Surplus lines insurance' means any insurance in this State of risks resident, located, or to be performed in this State, permitted to be placed through a surplus lines licensee with a nonadmitted insurer eligible to accept such insurance, other than reinsurance, wet marine and transportation insurance independently procured, life and accident or health insurance, and annuities.

(9) 'Surplus lines licensee' means a person licensed under G.S. 58-433 to place insurance on risks resident, located, or to be performed in this State with nonadmitted insurers eligible to accept such insurance.

(10) 'Wet marine and transportation insurance' means:

a. Insurance upon vessels, crafts, hulls and of interests therein or with relation thereto;

b. Insurance of marine builder's risks, marine war risks and contracts of marine protection and indemnity insurance;

c. Insurance of freights and disbursements pertaining to a subject of insurance coming within this subsection; and

d. Insurance of personal property and interests therein, in the course of exportation from or importation into any country, or in the course of transportation coastwise or on inland waters, including

transportation by land, water, or air from point of origin to final destination, in connection with any and all risks or perils of navigation, transit or transportation, and while being prepared for and while awaiting shipment, and during any delays, transshipment, or reshipment incident thereto.

"§ 58-423. *Placement of surplus lines insurance.*—Insurance may be procured through a surplus lines licensee from nonadmitted insurers if:

(1) Each insurer is an eligible surplus lines insurer;

(2) The licensee has procured insurance from admitted insurers to the full amount that those companies are willing to write on the risk, and the licensee is unable to procure from admitted insurers the full amount or kind of insurance necessary to protect the risk; and

(3) All other requirements of this Article are met.

"§ 58-424. *Eligible surplus lines insurers required.*—(a) No surplus lines licensee shall place any coverage with a nonadmitted insurer, unless at the time of placement, such nonadmitted insurer:

(1) Has established satisfactory evidence of good repute and financial integrity; and

(2) Qualifies under one of the following subdivisions:

a. Has capital and surplus or its equivalent under the laws of its domiciliary jurisdiction, which equals this State's minimum capital and surplus requirements under G.S. 58-77.

In addition, an alien insurer qualifies under this subdivision if it maintains in the United States an irrevocable trust fund in either a national bank or a member of the Federal Reserve System, in an amount not less than $4,500,000 for the protection of all of its policyholders in the United States and such trust fund consists of cash, securities, letters of credit, or of investments of substantially the same character and quality as those which are eligible investments for the capital and statutory reserves of admitted insurers authorized to write like kinds of insurance in this State. Such trust fund, which shall be included in any calculation of capital and surplus or its equivalent, shall have an expiration date which at no time shall be less than five years; or

b. In the case of any Lloyd's or other similar unincorporated group of alien individual insurers, maintains a trust fund of not less than $50,000,000 as security to the full amount thereof for all policyholders and creditors in the United States of each member of the group, and such trust shall likewise comply with the terms and conditions established in subdivision (2)a. of this section for alien insurers; and

c. In the case of an 'insurance exchange' created by the laws of individual states, maintain capital and surplus, or the substantial equivalent thereof, of not less than $15,000,000 in the aggregate. For insurance exchanges which maintain funds for the protection of all insurance exchange policyholders, each individual syndicate shall maintain minimum capital and surplus, or the substantial equivalent thereof, of not less than $4,500,000. In the event the insurance exchange does not maintain funds for the protection of all insurance exchange policyholders, each individual syndicate

shall meet the minimum capital and surplus requirements of subdivision (2)a. of this section.

(3) Has caused to be provided to the Commissioner a copy of its current annual statement certified by such insurer; such statement to be provided no more than two months after the close of the period reported upon and that is either:

a. Filed with and approved by the regulatory authority in the domicile of the nonadmitted insurer; or

b. Certified by an accounting or auditing firm licensed in the jurisdiction of the insurer's domicile; or

c. In the case of an insurance exchange, the statement may be an aggregate combined statement of all underwriting syndicates operating during the period reported.

(b) In addition to meeting the requirements in subdivisions (a) (1) through (a)(3) of this section, an insurer shall be an eligible surplus lines insurer if it appears on the most recent list of eligible surplus lines insurers published by the Commissioner. Nothing in this subsection shall require the Commissioner to place or maintain the name of any nonadmitted insurer on the list of eligible surplus lines insurers. There shall be no liability on the part of, and no cause of action of any nature shall arise against, the Commissioner or his employees or representatives for any action taken or not taken by them in the performance of their powers and duties under this subsection.

"§ 58-425. *Other nonadmitted insurers.*—Only that portion of any risk eligible for export for which the full amount of coverage is not procurable from eligible surplus lines insurers may be placed with any other nonadmitted insurer that does not appear on the list of eligible surplus lines insurers published by the Commissioner pursuant to G.S. 58-424(b), but nonetheless meets the requirements set forth in G.S. 58-424(a)(1) through (a)(3) and any regulations of the Commissioner. The surplus lines licensee seeking to provide coverage through an unlisted nonadmitted insurer shall make a filing specifying the amount and percentage of each risk to be placed, and naming the nonadmitted insurer with which placement is intended. Within 30 days after the coverage has been placed, the producing broker or surplus lines licensee shall send written notice to the insured that the insurance, or a portion thereof, has been placed with such nonadmitted insurer.

"§ 58-426. *Withdrawal of eligibility from a surplus lines insurer.*—If at any time the Commissioner has reason to believe that an eligible surplus lines insurer:

(1) Is in unsound financial condition,

(2) Is no longer eligible under G.S. 58-424,

(3) Has willfully violated the laws of this State, or

(4) Does not make reasonably prompt payment of just losses and claims in this State or elsewhere, the Commissioner may declare it ineligible. The Commissioner shall promptly mail notice of all such declarations to each surplus lines licensee.

"§ 58-427. *Duty to file evidence of insurance and affidavits.*—Within 30 days after the placing of any surplus lines insurance, the surplus lines licensee shall execute and file with the Commissioner:

(1) A written report regarding the insurance and including the following information:

a. The name and address of the insured;
b. The identity of the insurer or insurers;
c. A description of the subject and location of the risk;
d. The amount of premium charged for the insurance; and
e. Such other pertinent information as the Commissioner may reasonably require; and

(2) An affidavit as to the efforts to place the coverage with admitted insurers and the results thereof in accordance with G.S. 58-423. The report and affidavit required by this section shall be completed on a standardized form or forms furnished by the Commissioner.

"§ 58-428. *Surplus lines advisory organizations.*—(a) A surplus lines advisory organization of surplus lines licensees may be formed to:

(1) Facilitate and encourage compliance by its members with the laws of this State and the rules and regulations of the Commissioner relative to surplus lines insurance;
(2) Communicate with organizations of admitted insurers with respect to the proper use of the surplus lines market; and
(3) Receive and disseminate to its members information relative to surplus lines coverages.

(b) Every such advisory organization shall file with the Commissioner:

(1) A copy of its constitution, articles of agreement or association, or certificate of incorporation;
(2) A copy of its bylaws and rules governing its activities;
(3) A current list of its members;
(4) The name and address of a resident of this State upon whom notices or orders of the Commissioner or processes issued at his direction may be served; and
(5) An agreement that the Commissioner may examine the advisory organization in accordance with the provisions of subsection (c) of this section.

(c) The Commissioner shall, at least once every three years, make or cause to be made an examination of each such advisory organization. The examination shall be governed by the provisions of G.S. 58-16, 58-16.2, 58-17, 58-18, 58-22, 58-25, 58-25.1, 58-26, and 58-27. If the advisory organization annually submits a certified financial statement to the Commissioner, the examination provided for in this subsection shall not be made more often than once every three years. If the Commissioner finds such advisory organization or any member thereof to be in violation of this Article, he may issue an order requiring the discontinuance of such violation.

(d) Each surplus lines licensee shall maintain active membership in an advisory organization as a condition of continued licensure under this Article.

"§ 58-429. *Evidence of the insurance; changes; penalty.*—(a) As soon as surplus lines insurance has been placed, the producing broker or surplus lines licensee shall promptly deliver the policy to the insured. If the policy is not then available, the broker or licensee shall promptly deliver to the insured a certificate described in subsection (d) of this section, cover note,

binder, or other evidence of insurance. The certificate described in subsection (d), cover note, binder, or other evidence of insurance shall be executed by the surplus lines licensee and shall show the description and location of the subject of the insurance, coverages including any material limitations other than those in standard forms, a general description of the coverages of the insurance, the premium and rate charged and taxes to be collected from the insured, and the name and address of the insured and surplus lines insurer or insurers and proportion of the entire risk assumed by each, and the name of the surplus lines licensee and the licensee's license number.

(b) No producing broker or surplus lines licensee shall issue or deliver any evidence of insurance or purport to insure or represent that insurance will be or has been written by any eligible surplus lines insurer, or a nonadmitted insurer pursuant to G.S. 58-425, unless he has authority from the insurer to cause the risk to be insured, or has received information from the insurer in the regular course of business that such insurance has been granted.

(c) If, after delivery of any such evidence of insurance there is any change in the identity of the insurers, or the proportion of the risk assumed by any insurer, or any other material change in coverage as stated in the producing broker's or surplus lines licensee's original evidence of insurance, or in any other material as to the insurance coverage so evidenced, the producing broker or surplus lines licensee shall promptly issue and deliver to the insured an appropriate substitute for or endorsement of the original document, accurately showing the current status of the coverage and the insurers responsible thereunder.

(d) As soon as reasonably possible after the placement of any such insurance the producing broker or surplus lines licensee shall deliver a copy of the policy or, if not available, a certificate of insurance to the insured to replace any evidence of insurance previously issued. Each certificate or policy of insurance shall contain or have attached thereto a complete record of all policy insuring agreements, conditions, exclusions, clauses, endorsements, or any other material facts that would regularly be included in the policy.

(e) Any surplus lines licensee or producing broker who fails to comply with the requirements of this section shall be subject to the penalties provided in G.S. 58-441.

(f) Every evidence of insurance negotiated, placed, or procured under the provisions of this Article issued by the surplus lines licensee shall bear the name of the licensee and the following legend in 10 point type and in contrasting color: 'The insurance company with which this coverage has been placed is not licensed by the State of North Carolina and is not subject to its supervision. In the event of the insolvency of the insurance company, losses under this policy will not be paid by any State insurance guaranty or solvency fund.'

"§ 58-430. *Duty to notify insured.*—No contract of insurance placed by a surplus lines licensee under this Article shall be binding upon the insured and no premium charged therefor shall be due and payable until the producing broker or surplus lines licensee notifies the insured in

writing, a copy of which shall be maintained by the broker or licensee with the records of the contract and available for possible examination, that:

(1) The insurer with which the coverage has been placed is not licensed by this State and is not subject to its supervision; and

(2) In the event of the insolvency of the surplus lines insurer, losses will not be paid by any State insurance guaranty or solvency fund.

Nothing in this section shall nullify any agreement by any insurer to provide insurance.

"§ 58-431. *Valid surplus lines insurance.*—Insurance contracts procured under this Article shall be valid and enforceable as to all parties.

"§ 58-432. *Effect of payment to surplus lines licensee.*—A payment of premium to a surplus lines licensee acting for a person other than himself in negotiating, continuing, or reviewing any policy of insurance under this Article shall be deemed to be payment to the insurer, notwithstanding any conditions or stipulations inserted in the policy or contract.

"§ 58-433. *Licensing of surplus lines licensee.*—(a) No agent or broker licensed by the Commissioner shall procure any contract of surplus lines insurance with any nonadmitted insurer, unless he possesses a current surplus lines insurance license issued by the Commissioner.

(b) The Commissioner shall issue a surplus lines license to any qualified holder of a current fire and casualty broker's or general agent's license, but only when the broker or agent has:

(1) Remitted the $50.00 annual fee to the Commissioner;

(2) Submitted a completed license application on a form supplied by the Commissioner, and the application has been approved by the Commissioner;

(3) Passed a qualifying examination approved by the Commissioner; except that all holders of a license prior to the effective date of this Article shall be deemed to have passed such an examination; and

(4) Filed with the Commissioner, and maintains during the term of the license, in force and unimpaired a bond in favor of this State in the sum of $50,000, aggregate liability, with corporate sureties approved by the Commissioner. The bond shall be conditioned that the surplus lines licensee will conduct business in accordance with the provisions of this Article and will promptly remit the taxes as provided by law. No bond shall be terminated unless at least 30 days prior written notice is given to the licensee and Commissioner.

(c) Corporations shall be eligible to be resident surplus lines licensees, upon the following conditions:

(1) The corporate licensee shall list individuals within the corporation who have satisfied all requirements of this Article to become surplus lines licensees; and

(2) Only those individuals listed on the corporate license shall transact surplus lines business.

(d) Each surplus lines license shall expire one year after issuance, and application for renewal shall be made 30 days before the expiration date. The license shall be renewed upon payment of the annual fee and

compliance with other provisions of this section. Any surplus lines licensee who fails to apply for renewal of the license shall pay a penalty of one thousand dollars ($1,000) and be subject to such other penalties as provided by law before his license will be renewed.

"§ 58-434. *Surplus lines licensees may accept business from other agents or brokers.*—A surplus lines licensee may originate surplus lines insurance or accept such insurance from any other duly licensed agent or broker, and the surplus lines licensee may compensate such agent or broker therefor.

"§ 58-435. *Records of surplus lines licensee.*—Each surplus lines licensee shall keep in his office in this State a full and true record of each surplus lines insurance contract placed by or through him, including a copy of the policy, certificate, cover note, or other evidence of insurance, which record shall include the following items:

(1) Amount of the insurance and perils insured;
(2) Brief description of the property insured and its location;
(3) Gross premium charged;
(4) Any return premium paid;
(5) Rate of premium charged upon the several items of property;
(6) Effective date of the contract, and the terms thereof;
(7) Name and address of the insured;
(8) Name and address of the insurer;
(9) Amount of tax and other sums to be collected from the insured; and
(10) Identity of the producing broker, any confirming correspondence from the insurer or its representative, and the application.

The record of each contract shall be kept open at all reasonable times to examination by the Commissioner without notice for a period not less than five years following termination of the contract.

"§ 58-436. *Quarterly reports; summary of exported business.*—On or before the end of March, June, September, and December of each year, each surplus lines licensee shall file with the Commissioner, on a form prescribed by the Commissioner, a verified report in duplicate of all surplus lines insurance transacted during the preceding three months showing:

(1) Aggregate gross premiums written;
(2) Aggregate return premiums; and
(3) Amount of aggregate tax to be remitted.

"§ 58-437. *Surplus lines tax.*—(a) Gross premiums charged, less any return premiums, for surplus lines insurance are subject to a premium receipts tax of five percent (5%), which shall be collected by the surplus lines licensee as specified by the Commissioner, in addition to the full amount of the gross premium charged by the insurer for the insurance. The tax on any portion of the premium unearned at termination of insurance having been credited by the State to the licensee shall be returned to the policyholder directly by the surplus lines licensee or through the producing broker, if any. The surplus lines licensee is prohibited from absorbing such tax and from rebating for any reason, any part of such tax.

(b) Within 20 days after filing his quarterly report as set forth in G.S. 58-436, each surplus lines licensee shall pay the premium receipts tax due for the period covered by the report.

(c) This section shall not apply to insurance of risks of the State government, its political subdivisions, or of any agency thereof.

"§ 58-438. *Collection of tax.*—If the tax collectible by a surplus lines licensee under this Article has been collected and is not paid within the time prescribed, the same shall be recoverable in a suit brought by the Commissioner against the surplus lines licensee and the surety on the bond filed under G.S. 58-433, and the sum of one percent (1%) shall be added to the tax due on the first day of each month after the original due date.

"§ 58-439. *Suspension, revocation or nonrenewal of surplus lines licensee's license.*—The Commissioner may suspend, revoke, or refuse to renew the license of a surplus lines licensee after notice and hearing as provided under G.S. 58-9.7 upon any one or more of the following grounds:

(1) Removal of the surplus lines licensee's office from this State;

(2) Removal of the surplus lines licensee's office accounts and records from this State during the period during which such accounts and records are required to be maintained under G.S. 58-435;

(3) Closing of the surplus lines licensee's office for a period of more than 30 business days, unless permission is granted by the Commissioner;

(4) Failure to make and file required reports;

(5) Failure to transmit the required tax on surplus lines premiums;

(6) Failure to maintain the required bond;

(7) Violation of any provision of this Article; or

(8) For any other cause for which an insurance license could be denied, revoked, suspended, or renewal refused under the Insurance Law.

"§ 58-440. *Actions against surplus lines insurer; service of process.*—(a) A surplus lines insurer may be sued upon any cause of action arising in this State, under any surplus lines insurance contract made by it or evidence of insurance issued or delivered by the surplus lines licensee, pursuant to the procedure provided in G.S. 58-153.1. Any such policy issued by the surplus lines licensee shall contain a provision stating the substance of this section and designating the person to whom the Commissioner shall mail process.

(b) Each surplus lines insurer engaging in surplus lines insurance shall be deemed thereby to have subjected itself to this Article.

(c) The remedies and procedures provided in this section are in addition to any other methods provided by law for service of process upon insurers.

"§ 58-441. *Penalties.*—(a) Any surplus lines licensee who in this State represents or aids a nonadmitted insurer in violation of this Article shall be guilty of a misdemeanor and subject to imprisonment or a fine, or both.

(b) In addition to any other penalty provided for in this section or otherwise provided by law, including any suspension, revocation, or refusal to renew a license, any person violating any provision of this Article shall be subject to a civil penalty, payment of restitution, or both, in accordance with G.S. 58-9.7."

Sec. 2. G.S. 58-54.21 is amended on lines 8, 9, and on the last line by substituting "Article 36 of this Chapter" for "G.S. 58-53.1".

Sec. 3. G.S. 58-53.1, 58-53.2, and 58-53.3 are repealed.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 787 **CHAPTER 689**

AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-597 is amended at the beginning of the tenth line of the second unnumbered paragraph by deleting the word "of" and inserting in lieu thereof the word "or".

Sec. 2. G.S. 7A-65(b) is repealed.

Sec. 3. G.S. 7A-101 is amended by deleting the fourth paragraph in its entirety.

Sec. 4. G.S. 7A-246 is amended on lines 3 and 4 by deleting the language "Protection of the Abused or Neglected Elderly Act (Chapter 108, Article 4, of the General Statutes)" and inserting in lieu thereof the language "Protection of the Abused, Neglected, or Exploited Disabled Adult Act (Chapter 108A, Article 6, of the General Statutes)".

Sec. 5. G.S. 14-159.1(a) is amended on line 2 by deleting the citation "G.S. 130-166.41(12)" and inserting in lieu thereof the citation "G.S. 130A-313(10)".

Sec. 6. G.S. 15A-922(h) is amended on line 2 by deleting the word "or" and inserting in lieu thereof the word "of".

Sec. 7. G.S. 18B-603(f)(4) is amended by deleting the language "subdivision (d)(4)" and inserting in lieu thereof the language "subdivision (d)(5)".

Sec. 8. G.S. 28A-13-3(a)(5) is amended on line 3 by deleting the citation "G.S. 36-27" and inserting in lieu thereof the citation "G.S. 36A-63".

Sec. 9. G.S. 31-5.5(b) is amended on line 1 by deleting the language "G.S. 28-153 through 28-158" and inserting in lieu thereof the citation "G.S. 28A-22-2".

Sec. 10. G.S. 40A-3(c) is amended as follows:

a. On lines 2 and 3 of subdivision (1) by deleting the language "Article 12 of Chapter 130 for the purpose stated in that Article" and inserting in lieu thereof the language "Part 2 of Article 2 of Chapter 130A for the purposes stated in that Part";

b. On lines 2 and 3 of subdivision (2) by deleting the language "Article 24 of Chapter 130 for the purposes stated in that Article" and inserting in lieu thereof the language "Part 2 of Article 12 of Chapter 130A for the purposes stated in that Part";

c. On lines 2 and 3 of subdivision (3) by deleting the language "Article 12 of Chapter 131 for the purposes stated in that Article" and inserting in lieu thereof the language "Part B of Article 2 of Chapter 131E for the purposes stated in that Part";

d. On lines 3 and 4 of subdivision (3) by deleting the citation "G.S. 131-112" and inserting in lieu thereof the citation "G.S. 131E-24(c)";

e. On line 2 of subdivision (10) by deleting the citation "Chapter 162" and inserting in lieu thereof the citation "Chapter 162A".

Sec. 11. G.S. 42-15 is amended by deleting the last sentence of the first unnumbered paragraph.

Sec. 12. G.S. 42-15.1 is amended by deleting the second unnumbered paragraph in its entirety.

Sec. 13. G.S. 44A-7(1) is amended on lines 10 and 11 by deleting the language "Chapter 83, 89 or 89A" and inserting in lieu thereof the language "Chapter 83A, 89A or 89C".

Sec. 14. G.S. 45-10(a) is amended on the first line of the second paragraph by deleting the word "section" and inserting in lieu thereof the word "subsection".

Sec. 15. G.S. 45-21.44 is amended on line 2 of the catch line by deleting the citation "+ 45-21.17(c)(2)" and inserting in lieu thereof the citation "G.S. 45-21.17(2)"; and is further amended on line 7 by deleting the citation "G.S. 45-21.17(c)(2)" and inserting in lieu thereof the citation "G.S. 45-21.17(2)".

Sec. 16. G.S. 46-3 is amended on lines 4 and 5 by deleting the citation "G.S. 28-81" and inserting in lieu thereof the citation "G.S. 28A-17-3".

Sec. 17. G.S. 50-13.4(f)(10) is amended on the last line by deleting the language "Article 32 of Chapter 1" and inserting in lieu thereof "Article 16 of Chapter 1C".

Sec. 18. G.S. 50-16.7(k) is amended on lines 6 and 7 by deleting the language "Article 32 of Chapter 1" and inserting in lieu thereof "Article 16 of Chapter 1C".

Sec. 19. G.S. 50-16.10 is amended on the last line by deleting the language "Article 24, Chapter 1, of the General Statutes" and inserting in lieu thereof the language "G.S. 1A-1, Rule 68.1".

Sec. 20. G.S. 50-19 is amended by deleting the citation "G.S. 50-5" each time it appears in the section and inserting in lieu thereof the citation "G.S. 50-5.1".

Sec. 21. G.S. 50-21(b) is amended on line 4 by deleting the citation "G.S. 50-5" and inserting in lieu thereof the citation "G.S. 50-5.1".

Sec. 22. G.S. 50A-25 is amended on lines 3 and 4 by deleting the language "or an immediate custody order under the provisions of G.S. 7A-284" and inserting in lieu thereof the language "or a secure or nonsecure custody order under the provisions of G.S. 7A-573".

Sec. 23. G.S. 51-13 is amended in the catch line by deleting the citation "51-13" and inserting in lieu thereof the citation "51-12"; and is further amended on the first line by deleting the citation "51-14" and inserting in lieu thereof the citation "51-12".

Sec. 24. G.S. 52A-10.3 is amended on line 10 by deleting the language "G.S. 108-20 through 108-22" and inserting in lieu thereof the language "G.S. 108A-16 through G.S. 108A-18".

Sec. 25. G.S. 55-132(b) is amended on lines 2 and 3 of the last paragraph by deleting the language "in the same manner as now provided under G.S. 28-186 in the case of nonresident executors" and inserting in

lieu thereof the language "and file such appointment with the court as required by G.S. 28A-4-2(4)".

Sec. 26. G.S. 76A-6 is amended on line 1 by deleting the word "two" and inserting in lieu thereof the words "the following".

Sec. 27. G.S. 113-133.1(e) is amended by deleting the language "Public-Local Laws 1919, Chapter 76;" from the paragraph relating to Randolph County.

Sec. 28. G.S. 136-14 is amended on the first line of the catch line by deleting the word "to" and inserting in lieu thereof the word "for"; and is further amended on line 3 by deleting the word "thereof" and inserting in lieu thereof the words "of the Department of Transportation".

Sec. 29. G.S. 143B-153 is amended as follows:

a. On line 4 of subdivision (1) by deleting the citation "Chapter 108" and inserting in lieu thereof the citation "Chapter 108A";

b. On line 2 of subdivision (2)a by deleting the citation "Article 2 of Chapter 108" and inserting in lieu thereof the citation "Article 2 of Chapter 108A";

c. On line 4 of subdivision (2)a by deleting the citation "G.S. 108-23(b)" and inserting in lieu thereof the citation "G.S. 108A-25(b)";

d. On line 3 of subdivision (2)c by deleting the citation "G.S. 108-66" and inserting in lieu thereof the citation "G.S. 108A-48";

e. On line 2 of subdivision (3)a by deleting the citation "G.S. 108-76" and inserting in lieu thereof the citation "G.S. 131D-1";

f. On line 3 of subdivision (3)b by deleting the citation "G.S. 108-77" and inserting in lieu thereof the citation "G.S. 131D-2";

g. On line 2 of subdivision (3)c by deleting the citation "G.S. 108-78" and inserting in lieu thereof the citation "G.S. 131D-10.5";

h. On line 2 of subdivision (3)d by deleting the citation "G.S. 153-51" and inserting in lieu thereof the citation "G.S. 153A-220";

i. On lines 2 and 3 of subdivision (3)d by deleting the citation "Part 2 of Article 3 of Chapter 108" and inserting in lieu thereof the citation "Article 2 of Chapter 131D";

j. On line 3 of subdivision (3)f by deleting the citation "Article 3 of Chapter 108" and inserting in lieu thereof the citation "Chapter 131D".

Sec. 30. G.S. 160A-388(f) is amended on line 3 by deleting the word "court" and inserting in lieu thereof the word "board".

Sec. 31. Chapters 127 and 128 of the 1985 Session Laws are amended each on the last line of the certification by deleting the year reference "1984" and substituting the year reference "1985".

Sec. 32. This act is effective upon ratification, except for Sec. 31, which is effective April 26, 1985.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 796 **CHAPTER 690**

AN ACT CLARIFYING THE PROCEDURE FOR SERVING PICK-UP NOTICES UNDER THE TEN DAY REVOCATION PROCEDURE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-16.5(e) is amended by deleting the last sentence and inserting in its place: "The pick-up order must be issued to a member of a local law enforcement agency if the charging officer was employed by the agency at the time of the charge and the person resides in or is present in the agency's territorial jurisdiction. In all other cases, the pick-up order must be issued to an officer or inspector of the Division. A pick-up order issued pursuant to this section is to be served in accordance with G.S. 20-29 as if the order had been issued by the Division."

Sec. 2. G.S. 20-16.5(f) is amended by rewriting the sixth sentence to read: "The pick-up order must be issued and served in the same manner as specified in subsection (e) for pick-up orders issued pursuant to that subsection."

Sec. 3. This act shall become effective August 1, 1985, and applies to pick-up orders issued on and after that date.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 841 **CHAPTER 691**

AN ACT TO PREVENT HARASSMENT OF JURORS OR FORMER JURORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-225.2 is rewritten to read:

"(a) A person is guilty of harassment of a juror if he:

(1) With intent to influence the official action of another as a juror, harasses, intimidates, or communicates with the juror or his spouse; or

(2) As a result of the prior official action of another as a juror in a grand jury proceeding or trial, threatens in any manner or in any place, or intimidates the former juror or his spouse.

(b) In this section 'juror' means a grand juror or a petit juror and includes a person who has been drawn or summoned to attend as a prospective juror.

(c) A person who commits the offense defined in subdivision (a) (1) of this section is guilty of a Class I felony. A person who commits the offense defined in subdivision (a) (2) of this section is guilty of a misdemeanor and upon conviction shall be punishable as provided in G.S. 14-3(a)."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 882 **CHAPTER 692**

AN ACT TO REQUIRE COLLEGE STUDENTS TO RECEIVE CERTAIN IMMUNIZATIONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 130A of the General Statutes is amended by adding a new section as follows:

"§ 130A-155.1. *Submission of certificate to college or universities.*—(a) No person shall attend a college or university, whether public, private, or religious, excluding educational institutions established under Chapter 115D of the General Statutes, excluding students attending night classes only, and excluding students matriculating in off-campus courses at either public or private institutions, unless a certificate of immunization indicating that the person has received immunizations required by G.S. 130A-152 is presented to the college or university. The person shall present a certificate of immunization on or before the first day of matriculation to the registrar of the college or university, provided, however, that if a college or university obtains the certificate of immunization from a high school located in North Carolina, the requirements of this section are satisfied. If a certificate of immunization is not in the possession of the college or university on the first day of matriculation, the college or university shall present a notice of deficiency to the person. The person shall have 30 calendar days from the first day of attendance to obtain the required immunization. If the administration of vaccine in a series of doses given at medically approved intervals requires a period in excess of 30 calendar days, additional days upon certification by a physician may be allowed to obtain the required immunization. Upon termination of 30 calendar days or the extended period, the college or university shall not permit the person to attend the school unless the required immunization has been obtained.

(b) The college or university shall maintain on file immunization records for all persons attending the school which contain the information required for a certificate of immunization as specified in G.S. 130A-154. These certificates shall be open to inspection by the Department and the local health department during normal business hours. When a person transfers to another college or university, the college or university which the person previously attended shall, upon request, send a copy of the person's immunization record at no charge to the college or university to which the person has transferred.

(c) Within 60 calendar days after the commencement of a new school year, the college or university shall file an immunization report with the Department. The report shall be filed on forms prepared by the Department and shall state the number of persons attending the school or facility, the number of persons who had not obtained the required immunization within 30 days of their first attendance, the number of persons who received a medical exemption and the number of persons who received a religious exemption.

(d) The provisions of this act shall not apply to persons enrolled in a college or university on or before the effective date of this section."

Sec. 2. G.S. 130A-157 is amended in the second sentence by inserting immediately before the word "school" the phrase "college, university,".

Sec. 3. This act shall become effective July 1, 1986.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 938 **CHAPTER 693**

AN ACT TO AMEND G.S. 143-295 TO INCREASE SETTLEMENT AUTHORITY OF ATTORNEY GENERAL IN TORT CLAIMS FROM FIVE THOUSAND DOLLARS TO TEN THOUSAND DOLLARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-295(a) is hereby amended by striking the words and figures "five thousand dollars ($5,000)" appearing therein in lines 4 and 6 and inserting in lieu thereof the words and figures "ten thousand dollars ($10,000)".

Sec. 2. G.S. 143-295(b) is hereby amended by striking the words and figures "five thousand dollars ($5,000)" and substituting the words and figures "ten thousand dollars ($10,000)".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 1010 **CHAPTER 694**

AN ACT TO CLARIFY THE DEFINITION OF PREFERENCE OR ADVANTAGE IN UTILITIES REGULATION AND TO PROVIDE A CORPORATE INCOME TAX CREDIT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 62-140(a) is amended to add at the end the following sentence:

"Provided further, that it shall not be considered an unreasonable preference or advantage for the Commission to order, if it finds the public interest so requires, a reduction in local telephone rates for low-income residential consumers meeting a means test established by the Commission in order to match any reduction in the interstate subscriber line charge authorized by the Federal Communications Commission."

Sec. 2. Division I of Article 4 of Chapter 105 of the General Statutes is amended by adding a new section to read:

"§ 105-130.38. *Credit for certain telephone subscriber line charges.* A corporation that provides local telephone service to low-income residential consumers at reduced rates pursuant to an order of the North Carolina Utilities Commission is allowed a credit against the tax imposed by this Division equal to the difference between:

(1) The amount of receipts the corporation would have received during the taxable year from those low-income customers had the customers been charged the regular rates for local telephone service and fees; and

(2) The amount billed those low-income customers for local telephone service during the taxable year.

This credit is allowed only for a reduction in local telephone service rates and fees and is not allowed for any reduction in interstate subscriber line charges. This credit may not exceed the amount of tax imposed by this Division for the taxable year reduced by the sum of all credits allowed under this Division, except tax payments made by or on behalf of the corporation."

Sec. 3. This act is effective on January 1, 1986.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 1024 **CHAPTER 695**

AN ACT TO PERMIT LICENSED PSYCHOLOGISTS WITH AT LEAST TWO YEARS CLINICAL EXPERIENCE TO CONDUCT INITIAL INVOLUNTARY COMMITMENT EVALUATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-3 is amended by inserting two new subdivisions in the proper alphabetical order to read as follows:

"(13a) 'Eligible psychologist' means a licensed practicing psychologist who has at least two years clinical experience.

(30a) 'Psychologist' means an individual licensed to practice psychology under Chapter 90. The term 'eligible psychologist' is defined in subdivision (13a)."

Sec. 2. The following statutes are amended by inserting immediately after the word "physician" each time it appears the words "or eligible psychologist":

G.S. 122C-205(b)(4)
G.S. 122C-261(a), (b), and (f)
G.S. 122C-262
G.S. 122C-263(a), (b), (c), and (e)
G.S. 122C-266(e)
G.S. 122C-271(a)
G.S. 122C-274(c)(1)
G.S. 122C-281(a), (b), and (f)
G.S. 122C-282
G.S. 122C-283.

Sec. 3. G.S. 122C-253 is amended as follows:

(1) by inserting between the words "physician" and "or" in the first sentence of that section the phrase ", private psychologist,"; and

(2) by inserting between the words "physician" and "is" in the second sentence of that section the words "or private psychologist".

Sec. 4. G.S. 122C-261(d) and G.S. 122C-281(d) are each amended as follows:

(1) by inserting immediately after the word "physician" the first and third times it appears in those subsections the words "or eligible psychologist"; and

(2) by deleting the phrase "petitioner's recommendation is for" in the fourth sentences of those subsections and substituting the phrase "or eligible psychologist recommends".

Sec. 5. G.S. 122C-263(d) is amended as follows:

(1) by inserting the words "or eligible psychologist" immediately after the word "physician" each time it appears in that subsection except the second time it appears in the second sentence of the subsection, which begins with the words "In addition"; and

(2) by deleting the word "physician's" each time it appears and substituting the word "his".

Sec. 6. G.S. 122C-263(f) and 122C-265(a) are each amended by inserting immediately after the words "examining physician" each time they appear the words "or eligible psychologist".

Sec. 7. The first sentences of G.S. 122C-264(a) and (b) are each amended by inserting immediately after the word "physician's" the words "or eligible psychologist's".

Sec. 8. G.S. 122C-267(c), 122C-268(f), and 122C-286(c) are each amended by inserting immediately after the word "physicians" the words "and psychologists".

Sec. 9. G.S. 122C-283(d)(1) is amended as follows:

(1) by deleting the word "physician's" the first time it appears and substituting the word "his"; and

(2) by inserting immediately after the word "physician's" the second time it appears in that subdivision the words "or eligible psychologist's".

Sec. 10. G.S. 122C-284(a) is amended by inserting immediately after the word "physician's" the words "or eligible psychologist's".

Sec. 11. G.S. 122C-285(a) is amended by inserting a sentence immediately after the first sentence to read:

"This professional shall be a physician if the initial commitment evaluation was conducted by an eligible psychologist."

Sec. 12. G.S. 122C-313(a) is amended in the second sentence by inserting immediately after the words "staff psychiatrist" the words "or eligible psychologist".

Sec. 13. G.S. 122C-22(a)(1) is amended by deleting the phrase "duly licensed under Chapter 90 of the General Statutes and".

Sec. 14. G.S. 122C-241(b) is amended by deleting the phrase ", licensed practicing psychologist or psychological associate" and substituting the phrase "or psychologist".

Sec. 15. G.S. 122C-55(i) is amended by deleting the word "practicing" before the word "psychologist".

Sec. 16. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 1130 **CHAPTER 696**

AN ACT TO ESTABLISH GUIDELINES FOR LOCATING LIQUID AND GAS PIPELINES AND TO LIMIT THE WIDTH OF LAND CONDEMNED FOR LOCATION OF SUCH PIPELINES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 62-190 is amended by designating the existing section as subsection (a) and by adding a new subsection to read:

"(b) Liquid pipeline right-of-way must be selected to avoid, as far as practicable, areas containing private dwellings, industrial buildings, and places of assembly.

No liquid pipeline may be located within 50 feet of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches of cover in addition to that prescribed in Part 195, Title 49, Code of Federal Regulations.

Any liquid pipeline installed underground must have at least 12 inches of clearance between the outside of the pipe and the extremity of any other underground structure, except that for drainage tile the minimum clearance may be less than 12 inches but not less than two inches. However, where 12 inches of clearance is impracticable, the clearance may be reduced if adequate provisions are made for corrosion control."

Sec. 2. G.S. 40A-3(a)(1) is amended by inserting at the end thereof the following:

"Land condemned for any liquid pipelines shall:

a. not be less than 50 feet nor more than 100 feet in width; and

b. comply with the provisions of G.S. 62-190(b).

The width of land condemned for any natural gas pipelines shall not be more than 100 feet."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 1137 **CHAPTER 697**

AN ACT TO ALLOW QUALIFIED UNITS OF LOCAL GOVERNMENTS TO ISSUE PERMITS FOR APPROVAL FOR THE EXTENSION OF SEWER AND WATER LINES IN LIEU OF STATE APPROVAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-317 is amended to add a new subsection to read:

"(d) Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may establish and administer within their utility service areas their own approval program in lieu of State approval of water system plans required in subsection (c) of this section for construction or alteration of the distribution system of a proposed or existing public water system, subject to the prior certification of the Department. For purposes of this subsection, the service area of a municipality shall include only that area

within the corporate limits of the municipality and that area outside a municipality in its extraterritorial jurisdiction where water service is already being provided to the permit applicant by the municipality or connection to the municipal water system is immediately available to the applicant; the service areas of counties and the other entities or groups shall include only those areas where water service is already being provided to the applicant by the permitting authority or connection to the permitting authority's system is immediately available. No later than the 180th day after the receipt of an approval program and statement submitted by any local government, commission, authority, or board, the Department shall certify any local program that:

(1) Provides by ordinance or local law for requirements compatible with those imposed by this Article, and the standards and rules adopted pursuant to this Article;
(2) Provides that the Department receives notice and a copy of each application for approval and that the Department receives copies of approved plans;
(3) Provides that plans and specifications for all construction and alterations be prepared by or under the direct supervision of an engineer licensed to practice in this State;
(4) Provides for the adequate enforcement of the program requirements by appropriate administrative and judicial process;
(5) Provides for the adequate administrative organization, engineering staff, financial and other resources necessary to effectively carry out its plan review program;
(6) Provides that the system is capable of interconnection at an appropriate time with an expanding municipal, county, or regional system;
(7) Provides for the adequate arrangement for the continued operation, service, and maintenance of the public water system;
(8) Provides that an approved system, as constructed or altered, will be capable of compliance with the drinking water rules; and
(9) Is approved by the Department as adequate to meet the requirements of this Article and any applicable rules adopted pursuant to this Article.

The Department may deny, suspend, or revoke the certification of a local program upon a finding that a violation of the provisions in subsection (d) of this section has occurred. A local government administering an approval program shall be given notice that there has been a tentative decision to deny, suspend, or revoke certification and that an administrative hearing will be held in accordance with Chapter 150A of the General Statutes where the decision may be challenged. If a violation of the provisions in subsection (d) of this section presents an imminent hazard, certification may be suspended or revoked immediately. The Department shall give notice of the immediate suspension or revocation and notice that an administrative hearing will be held in accordance with Chapter 150A of the General Statutes where the decision may be challenged.

Notwithstanding any other provisions of this subsection, if the Department determines that a public water system is violating plan

approval requirements of a local program and that the local government has not acted to enforce those approval requirements, the Department may, after written notice to the local government, take enforcement action in accordance with the provisions of this Article."

Sec. 2. G.S. 143-215.1 is amended to add a new subsection to read:

"(f) Local Permit Programs for Sewer Extension - Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may establish and administer within their utility service areas their own general permit program in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer system, subject to the prior certification of the Environment Management Commission. For purposes of this subsection, the service area of a municipality shall include only that area within the corporate limits of the municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer service is already being provided by the municipality to the permit applicant or connection to the municipal sewer system is immediately available to the applicant; the service areas of counties and the other entities or groups shall include only those areas where sewer service is already being provided to the applicant by the permitting authority or connection to the permitting authority's system is immediately available. No later than the 180th day after the receipt of a program and statement submitted by any local government, commission, authority, or board the Environmental Management Commission shall certify any local program that:

(1) Provides by ordinance or local law for requirements compatible with those imposed by Part I of Article 21 of this Chapter, and the standards, rules, and regulations adopted pursuant to that Part;

(2) Provides that the Department of Natural Resources and Community Development receives notice and a copy of each application for a permit and that it receives copies of approved permits and plans;

(3) Provides that plans and specifications for all construction, extensions, alterations, and changes be prepared by or under the direct supervision of an engineer licensed to practice in this State;

(4) Provides for the adequate enforcement of the program requirements by appropriate administrative and judicial process;

(5) Provides for the adequate administrative organization, engineering staff, financial and other resources necessary to effectively carry out its plan review program;

(6) Provides that the system is capable of interconnection at an appropriate time with an expanding municipal, county, or regional system;

(7) Provides for the adequate arrangement for the continued operation, service, and maintenance of the sewer system; and

(8) Is approved by the Environmental Management Commission as adequate to meet the requirements of this Part and any applicable rules and regulations adopted pursuant to this Part.

The Environmental Management Commission may deny, suspend, or revoke certification of a local program upon a finding that a violation of the provisions in subsection (f) of this section has occurred. A local government administering an approval program shall be given notice that there has been a tentative decision to deny, suspend, or revoke certification and that an administrative hearing will be held in accordance with Chapter 150A of the General Statutes where the decision may be challenged. If a violation of the provisions in subsection (f) of this section presents an imminent hazard, certification may be suspended or revoked immediately. The Environmental Management Commission shall give notice of the immediate suspension or revocation and notice that an administrative hearing will be held in accordance with Chapter 150A of the General Statutes where the decision may be challenged.

Notwithstanding any other provision of this subsection, if the Environmental Management Commission determines that a sewer system, treatment works, or disposal system is operating in violation of the provisions of this Article and that the appropriate local authorities have not acted to enforce those provisions, the Environmental Management Commission may, after written notice to the appropriate local government, take enforcement action in accordance with the provisions of this Article."

Sec. 3. The Health Services Commission and Environmental Management Commission shall adopt rules, standards, and regulations to implement this act no later than January 1, 1986.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 1218 **CHAPTER 698**

AN ACT TO APPROPRIATE FUNDS TO THE JUDICIAL DEPARTMENT AND TO IMPROVE THE ADMINISTRATION OF THE JUDICIAL SYSTEM.

The General Assembly of North Carolina enacts:

CLERKS'S EQUIPMENT UPGRADE FUNDS

Section 1. (a) There is appropriated from the General Fund to the Judicial Department the sum of nine hundred thousand dollars ($900,000) for fiscal year 1985-86 to be allocated for the following purposes:

(1) To upgrade the accounting system equipment of the clerks of court	$ 500,000
(2) To upgrade the microfilm and micrographic equipment of the clerks of court	$ 400,000

(b) The Administrative Office of the Courts shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division before May 15, 1986, on its use of the funds appropriated in subsection (a) and on the need for additional funds to continue upgrading the equipment in the offices of the clerks of court.

NEW PERSONNEL EQUIPMENT FUNDS

Sec. 2. There is appropriated from the Generaal Fund to the Judicial Department the sum of forty-two thousand one hundred twenty-six dollars ($42,126) for fiscal year 1985-86, and the sum of eleven thousand sixty-seven dollars ($11,067) for fiscal year 1986-87, for equipment for new personnel.

ASSISTANT CLERK RECLASSIFICATION FUNDS

Sec. 3. There is appropriated from the General Fund to the Judicial Department the sum of one hundred ninety-one thousand six hundred sixteen dollars ($191,616) for fiscal year 1985-86, and the sum of one hundred ninety-one thousand six hundred sixteen dollars ($191,616) for fiscal year 1986-87, to be held in reserve to fund the reclassification of assistant clerks in accordance with G.S. 7A-102.

SUPREME COURT LIBRARY FUNDS

Sec. 4. There is appropriated from the General Fund to the Judicial Department the sum of thirty-eight thousand two hundred forty-seven dollars ($38,247) for fiscal year 1985-86, and the sum of sixty-two thousand six hundred sixty dollars ($62,660) for fiscal year 1986-87, to purchase books for the Supreme Court Library in Raleigh.

PERSONNEL TRAINING FUNDS

Sec. 5. There is appropriated from the General Fund to the Judicial Department the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86, and the sum of fifty thousand dollars ($50,000) for fiscal year 1986-87, to train personnel.

NEW DEPARTMENT PERSONNEL FUNDS

Sec. 6. There is appropriated from the General Fund to the Judicial Department the sum of four hundred eighty-four thousand six hundred eighty-two dollars ($484,682) for fiscal year 1985-86, and the sum of six hundred thirty-eight thousand four hundred forty-four dollars ($638,444) for fiscal year 1986-87, for new department personnel.

NEW DISTRICT JUDGESHIPS

Sec. 7. (a) Effective December 1, 1986, G.S. 7A-133 is amended in the table so that the numbers of district court judges for the indicated districts read:

"District	Judges
10	9
14	5
17A	3
22	5
27A	5".

(b) The additional judges authorized by subsection (a) of this section shall be elected in the 1986 primary and elections in accordance with Chapter 163 of the General Statutes.

(c) There is appropriated from the General Fund to the Judicial Department the sum of one hundred seventy-two thousand thirty-six dollars ($172,036) for fiscal year 1986-87 for salaries and benefits for the additional judges authorized by subsection (a) of this section.

APPELLATE JUDGES LAW CLERKS

Sec. 8. (a) G.S. 7A-7(a) is amended by deleting the words "one research assistant" and substituting the words "not more than two research assistants" and by deleting the phrase "a graduate" and substituting the word "graduates".

(b) There is appropriated from the General Fund to the Judicial Department the sum of two hundred thirteen thousand one hundred fifty-nine dollars ($213,159) for fiscal year 1985-86, and the sum of two hundred eighty-five thousand one hundred fifteen dollars ($285,115) for fiscal year 1986-87, for salaries and benefits for the additional research assistants authorized by subsection (a) of this section.

(c) This section shall become effective October 1, 1985.

EMERGENCY JUDGE PAY INCREASE

Sec. 9. (a) G.S. 7A-39.3(b) is amended by deleting the phrase "seventy-five dollars ($75.00)" and substituting the phrase "one hundred dollars ($100.00)".

(b) G.S. 7A-52(b) is amended by deleting the phrase "seventy-five dollars ($75.00)" and substituting the phrase "one hundred dollars ($100.00)".

(c) There is appropriated from the General Fund to the Judicial Department the sum of thirty thousand dollars ($30,000) for fiscal year 1985-86, and the sum of thirty thousand dollars ($30,000) for fiscal year 1986-87, for increased per diem payments for emergency justices and judges in the General Court of Justice.

LONGEVITY PAY FOR JUDICIAL PERSONNEL

Sec. 10. (a) G.S. 7A-10(c), 7A-18(b), 7A-44(b), and 7A-144(b) are each amended by adding a sentence to the end to read:

"Service shall also mean service as a district attorney or as a clerk of superior court."

(b) G.S. 7A-65(c) is amended by adding a sentence to the end to read:

"Service shall also mean service as a justice or judge of the General Court of Justice or as a clerk of superior court."

(c) G.S. 7A-101 is amended by adding a sentence to the last paragraph to read:

"Service shall also mean service as a justice or judge of the General Court of Justice or as a district attorney."

(d) There is appropriated from the General Fund to the Judicial Department the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86, and the sum of sixty-one thousand dollars ($61,000) for fiscal year 1986-87, to implement the provisions of this section.

NEW ASSISTANT DISTRICT ATTORNEY POSITIONS

Sec. 11. (a) G.S. 7A-41 is amended in the table so that the total numbers of full-time assistant district attorneys for the indicated judicial districts read:

"Judicial District	No. of Full-Time Asst. District Attorneys
9	6
20	8
22	7

"Judicial District	No. of Full-Time Asst. District Attorneys
24	3
30	5".

(b) There is appropriated from the General Fund to the Judicial Department the sum of two hundred twenty-three thousand one hundred sixty dollars ($223,160) for fiscal year 1985-86, and the sum of two hundred twenty-three thousand two hundred fifty dollars ($223,250) for fiscal year 1986-87, for salaries and benefits for the additional assistant district attorney positions authorized in subsection (a) of this section.

BUNCOMBE MAGISTRATE AUTHORIZED

Sec. 12. G.S. 7A-133 is amended in the table so that the maximum number of magistrates authorized for Buncombe County is rewritten to read: "14".

MAGISTRATES SALARY INCREASE

Sec. 13. (a) G.S. 7A-171.1(a)(1) is amended by rewriting the table of salaries to read:

"Number of prior years of service	Annual salary
Less than 1	$12,764
1 or more but less than 3	13,424
3 or more but less than 5	14,804
5 or more but less than 7	16,316
7 or more but less than 9	17,984
9 or more but less than 11	19,808
11 or more	21,800".

(b) Section 210 of Chapter 479 of the 1985 Session Laws is repealed.

(c) There is appropriated from the General Fund to the Judicial Department the sum of one million ten thousand four hundred seventeen dollars ($1,010,417) for fiscal year 1985-86, and the sum of two million two hundred four thousand seven hundred thirty-six dollars ($2,204,736) for fiscal year 1986-87, to implement the provisions of this section.

(d) This section shall become effective July 1, 1985.

MAGISTRATES BENEFITS CLARIFIED

Sec. 14. G.S. 7A-171.1(2) is amended by inserting after the phrase "Courts," the phrase "is included, in accordance with G.S. 7A-170, under the provisions of G.S. 135-1(10) and 135-40.2(a) and".

RETIRED APPELLATE JUDGE SERVICE

Sec. 15. (a) Chapter 7A of the General Statutes is amended by adding a new section, G.S. 7A-39.14, to read as follows:

"§ 7A-39.14. *Recall by Chief Justice of retired or emergency justices or judges for temporary vacancy.*—(a) In addition to the authority granted to the Chief Justice under G.S. 7A-39.5 to recall emergency justices and under G.S. 7A-39.13 to recall retired justices, the Chief Justice may recall not more than one retired or emergency justice or retired emergency judge of the Court of Appeals, including an emergency justice or judge whose commission has expired because he has reached the mandatory retirement age, in the following circumstances:

(1) If a vacancy exists on the Supreme Court, he may recall an emergency or retired justice to serve on that court until the vacancy is filled in accordance with law.

(2) If a vacancy exists on the Court of Appeals, he may recall an emergency or retired justice of the Supreme Court or judge of the Court of Appeals to serve on the Court of Appeals until the vacancy is filled in accordance with law.

(3) With the concurrence of a majority of the Supreme Court, he may recall an emergency or retired justice to serve on the Supreme Court in place of a sitting justice who, as determined by the Chief Justice, is temporarily unable to perform all of the duties of his office.

(4) With the concurrence of a majority of the Supreme Court, he may recall an emergency or retired justice of the Supreme Court or judge of the Court of Appeals to serve on the Court of Appeals in place of a sitting judge who, as determined by the Chief Justice, is temporarily unable to perform all of the duties of his office.

(b) No judge or justice may be recalled unless he consents to the recall. Orders of recall issued pursuant to this section must be in writing and entered on the minutes of the court. In addition, if the judge or justice is recalled pursuant to subdivision (a)(3) or (a)(4), the order shall contain a finding by the Chief Justice setting out, in detail, the reason for the recall.

(c) A judge or justice recalled pursuant to subdivision (a)(1) or (a) (2) of this section:

(1) Has the same authority and jurisdiction granted to emergency justices and judges under G.S. 7A-39.7;

(2) Is subject to rules adopted pursuant to G.S. 7A-39.8 regarding filing of opinions and other matters; and

(3) Is compensated as are other retired or emergency justices or judges recalled for service pursuant to G.S. 7A-39.5 or G.S. 7A-39.13.

(d) A judge or justice recalled pursuant to subdivision (a)(3) or (a)(4) of this section:

(1) Has the same authority and jurisdiction granted to emergency justices and judges under G.S. 7A-39.7;

(2) Is subject to rules adopted pursuant to G.S. 7A-39.8 regarding filing of opinions and other matters;

(3) May, after the return of the judge or justice in whose place he was sitting, complete the duties assigned to him before the return of that judge or justice; and

(4) Is compensated as are other retired or emergency justices or judges recalled for service pursuant to G.S. 7A-39.5 or G.S. 7A-39.13.

(e) A retired or emergency justice or judge may serve on the Supreme Court or Court of Appeals pursuant to subdivision (a)(3) or (a)(4) only if he is recalled to serve temporarily in place of a sitting justice or judge who is not temporarily incapacitated under circumstances that would permit temporary service of the retired or emergency justice or judge pursuant to G.S. 7A-39.5 or G.S. 7A-39.13. This section does not authorize

more than seven justices to serve on the Supreme Court at any given time, nor does it authorize more than 12 justices and judges to serve on the Court of Appeals at any given time. In no case may more than one emergency justice or emergency judge serve on one panel of the Court of Appeals at any given time."

(b) This section shall expire on June 30, 1986.

(c) There is appropriated from the General Fund to the Judicial Department the sum of eight thousand seven hundred forty-three dollars ($8,743) for fiscal year 1985-86 to implement the provisions of this section.

RETIRED JUSTICE SERVICE ON COURT OF APPEALS

Sec. 16. (a) G.S. 7A-39.1(b) is amended by putting a period after the word "service" and deleting the remainder of the subsection.

(b) G.S. 7A-39.3(a) is rewritten to read as follows:

"(a) Justices of the Supreme Court and judges of the Court of Appeals who have not reached the mandatory retirement age specified in G.S. 7A-4.20, but who have retired under the provisions of G.S. 7A-39.2, or under the Uniform Judicial Retirement Act after having completed 12 years of creditable service, may apply as provided in G.S. 7A-39.6 to become emergency justices or judges and upon being commissioned as an emergency justice or emergency judge shall be subject to temporary recall to active service in place of a justice or judge who is temporarily incapacitated as provided in G.S. 7A-39.5."

(c) G.S. 7A-39.5(b) is amended by adding two new sentences between the first and second sentences of that subsection to read as follows:

"If the Chief Judge does not recall an emergency judge to serve in the place of the temporarily incapacitated judge, the Chief Justice may recall an emergency justice who, in his opinion, is competent to perform the duties of a judge of the Court of Appeals, to serve temporarily in the place of the judge in whose behalf he is recalled. In no case, however, may more than one emergency justice or emergency judge serve on one panel of the Court of Appeals at any given time."

(d) G.S. 7A-39.9(a) is rewritten to read as follows:

"(a) Decisions of the Chief Justice and the Chief Judge regarding recall of emergency justices and emergency judges, when not in conflict with the provisions of this Article, are final."

(e) G.S. 7A-39.9(c) is amended in the second sentence by inserting after the word "judge" the second time it appears the words "or justice".

(f) G.S. 7A-39.13(2) is rewritten to read as follows:

"(2) The Chief Justice may recall retired justices to serve on the Supreme Court or on the Court of Appeals, and the Chief Judge may recall retired judges of the Court of Appeals to serve on that court."

STATE JUDICIAL CENTER COMMISSION

Sec. 17. (a) There is created the State Judicial Center Commission, which shall consist of nine members. The Governor, Chief Justice, Speaker of the House of Representatives, and President of the Senate shall each appoint two members. The Director of the Administrative Office of the Courts shall serve ex officio. All appointed members shall be appointed by July 1, 1985, or as soon thereafter as is practicable, and shall serve until the Commission's duties are completed. Any vacancy in the appointed membership shall be filled by the officer making the initial appointment

to the seat vacated. The Chief Justice shall designate one of the members as chairman, and the Chief Justice may designate a vice-chairman.

(b) The State Judicial Center Commission shall have the following powers and duties:

(1) To study the current and future needs for office and court facilities of the Supreme Court, the Court of Appeals, and the Administrative Office of the Courts, and the desirability and practicability of providing a single facility for the exclusive use of the State-level components of the judicial branch of government.

(2) To keep the Capital Planning Commission informed, from time to time, of the progress of its study and to report its findings and recommendations to the Capital Planning Commission.

(3) To report its findings and recommendations to the Governor and the General Assembly no later than March 1, 1987. If the Commission recommends that a new building be constructed, the recommendation shall include a general recommendation as to size, appearance, design, and location of the proposed building.

(c) The members of the State Judicial Center Commission shall receive for their services the per diem and reimbursement for travel expenses authorized by law for members of State boards and commissions.

(d) The State Judicial Center Commission shall meet at such times and places as the chairman shall designate. Subject to the approval of the Legislative Services Commission, the facilities of the State Legislative Building and the Legislative Office Building shall be available to the Commission. Subject to the approval of the Legislative Services Commission, the Legislative Services Office shall make the services of its clerical and professional staff available to the Commission. The State Judicial Center Commission shall work with the Capital Planning Commission and the Office of State Property in conducting its study.

(e) There is appropriated from the General Fund to the General Assembly the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to fund the activities of the State Judicial Center Commission. The Commission is authorized, subject to the availability of funds, to observe other states' judicial facilities as it deems necessary in the course of its study to determine the proper kind of judicial facility for this State.

(f) The State Judicial Center Commission may call upon any department, agency, institution, or officer of the State, or any political subdivision thereof for such assistance as it deems appropriate, and these departments, agencies, institutions, and officers shall cooperate with the Commission and its committees to the fullest possible extent.

(g) This section shall expire June 30, 1987.

MECKLENBURG PILOT PROGRAM EXTENDED

Sec. 18. (a) Section 162(a) of Chapter 761 of the 1983 Session Laws is amended by deleting the phrase "June 30, 1985" and substituting the phrase "June 30, 1987".

(b) There is appropriated from the General Fund to the Judicial Department the sum of seventy thousand dollars ($70,000) for fiscal year 1985-86, and the sum of seventy thousand dollars ($70,000) for fiscal year

1986-87, to continue the Mecklenburg County pilot program requiring mediation of disputes over child custody and visitation. The Judicial Department is also authorized to expend up to fifteen thousand dollars ($15,000) in receipts from this program for fiscal year 1985-86 and fifteen thousand dollars ($15,000) in receipts from this program for fiscal year 1986-87 for this purpose.

(c) Subsection (a) of this section is effective June 30, 1985. Subsection (b) of this section is effective July 1, 1985.

SOME SAFE ROADS ACT FUNDS TO COUNTIES

Sec. 19. (a) The Director of the Budget shall transfer to the Judicial Department all funds that accumulated before June 30, 1985, in the Reserve for the Safe Roads Act established pursuant to Section 45.1 of Chapter 435 of the 1983 Session Laws. The Judicial Department shall distribute these funds as soon as practicable after the effective date of this section to the counties to reimburse them for additional costs incurred in weekend confinement of persons convicted of driving while impaired. These funds shall be distributed in a lump sum to each of the 100 counties on the basis of the number of civil license revocations under the provisions of the Safe Roads Act in each county, as reported by the Judicial Department.

(b) Effective July 1, 1985, Section 45.1 of Chapter 435 of the 1983 Session Laws is rewritten to read:

"Sec. 45.1. The funds collected pursuant to Section 14 of this act shall be paid into a Reserve Fund in the Judicial Department. The Judicial Department shall distribute these funds to the counties on a monthly basis to reimburse them for additional costs incurred in weekend confinement of persons convicted of driving while impaired. These funds shall be distributed to the 100 counties on the basis of the number of civil license revocations under the provisions of the Safe Roads Act in each county, as reported by the Judicial Department."

APPELLATE DEFENDER ESTABLISHED

Sec. 20. (a) Chapter 7A of the General Statutes is amended by adding a new Article to read:

"Article 38A.
"Appellate Defender Office.

"§ 7A-486. *Appellate defender office established.*—(a) There is established the office of appellate defender.

(b) The appellate defender shall be an attorney licensed to practice law in North Carolina and shall devote his full time to the duties of the office.

"§ 7A-486.1. *Term of office.*—The initial term of office of the appellate defender shall be from July 15, 1985, through June 30, 1989. Subsequent terms shall be for four years.

"§ 7A-486.2. *Appointment; vacancy; removal.*—(a) The appellate defender shall be appointed by the Chief Justice of the Supreme Court.

(b) A vacancy in the office of appellate defender shall be filled by appointment of the Chief Justice for the unexpired term.

(c) The appellate defender may be suspended or removed from office and reinstated for the same causes and under the same procedures as are applicable to removal of a district attorney.

"§ 7A-486.3. *Duties.*—The appellate defender shall:

(1) Represent indigent persons subsequent to conviction in trial courts pursuant to assignment by trial court judges under the general supervision of the Chief Justice of the Supreme Court. The Chief Justice may, following consultation with the appellate defender and consistent with the resources available to the appellate defender to ensure quality criminal defense services by the appellate defender's office, authorize the appellate defender not to accept assignments of certain appeals but instead to cause those appeals to be assigned either to a local public defender's office or to private assigned counsel.

(2) Maintain a repository of briefs prepared by the appellate defender to be made available to private counsel representing indigents in criminal cases.

(3) Provide continuing legal education training to assistant apellate defenders and to private counsel representing indigents in criminal cases, as resources are available.

"§ 7A-486.4. *Assistants and staff.*—The appellate defender shall appoint assistants and staff, not to exceed the number authorized by the Administrative Office of the Courts. The assistants and staff shall serve at the pleasure of the appellate defender.

"§ 7A-486.5. *Funds.*—Funds to operate the office of appellate defender, including office space, office equipment, supplies, postage, telephone, library, staff salaries, training, and travel, shall be provided by the Administrative Office of the Courts from funds authorized by law. Salaries shall be set by the Administrative Office of the Courts.

"§ 7A-486.6. *Records and reports.*—The appellate defender shall keep appropriate records and make periodic reports, as requested, to the Administrative Office of the Courts."

(b) There is allocated from the Indigent Persons Attorney Fee Fund in the Judicial Department the sum of four hundred fifty thousand dollars ($450,000) for fiscal year 1985-86, and the sum of four hundred fifty thousand dollars ($450,000) for fiscal year 1986-87, to implement the provisions of this section.

(c) This section shall become effective July 15, 1985, except that appointment of the appellate defender may occur at any time after ratification of this act.

PUBLIC AND APPELLATE DEFENDER/COUNSEL FEES

Sec. 21. (a) Article 37 of Chapter 7A of the General Statutes is amended by adding at the end a new section to read:

"§ 7A-471. *Judgment for legal fees.*—In every case in which the State is entitled to a lien pursuant to G.S. 7A-455, the public defender shall at the time of sentencing or other conclusion of the proceeding petition the court to fix the value of the legal services rendered by the public defender, as provided in G.S. 7A-455(b)."

(b) Article 38 of Chapter 7A of the General Statutes is amended by adding at the end a new section to read:

"§ 7A-484. *Judgment for legal fees.*—In every case in which the State is entitled to a lien pursuant to G.S. 7A-455, the appellate defender shall upon completion of the appeal petition or request the trial court to fix the

value of the legal services rendered by the appellate defender, as provided in G.S. 7A-455(b)."

(c) This section is effective upon ratification.

CO-COUNSEL IN CAPITAL CASES

Sec. 22. (a) G.S. 7A-450 is amended by inserting after subsection (b) a new subsection to read:

"(b1) An indigent person indicted for murder may not be tried where the State is seeking the death penalty without an assistant counsel being appointed in a timely manner. If the indigent person is represented by the public defender's office, the requirement of an assistant counsel may be satisfied by the assignment to the case of an additional attorney from the public defender's staff."

(b) There is appropriated from the General Fund to the Indigent Persons Attorney Fee Fund in the Judicial Department the sum of two hundred thousand dollars ($200,000) for fiscal year 1985-86, and the sum of two hundred thousand dollars ($200,000) for fiscal year 1986-87, to implement the provisions of this section. If the funds appropriated in this section are not adequate, the Administrative Office of the Courts may use additional funds from the Indigent Persons Attorney Fee Fund to implement the provisions of this section.

(c) This section applies to indictments returned on or after the date of ratification of this act.

PUBLIC DEFENDER SELECTION PROCEDURE

Sec. 22.1. G.S. 7A-466 is rewritten to read:

"§ 7A-466. *Selection of defender; term; removal.*—(a) Appointment. The public defender of each district shall be appointed by the senior resident superior court judge of that district from a list of not less than two and not more than three names nominated by written ballot of the attorneys resident in the district who are licensed to practice law in North Carolina. The balloting shall be conducted pursuant to regulations promulgated by the Administrative Office of the Courts.

(b) Term; Vacancy; Removal. The terms of office of the public defenders authorized in G.S. 7A-465 are for four years, beginning on the dates specified in that section for each district, and each fourth year thereafter. A vacancy in the office of public defender is filled for the unexpired term as set forth in subsection (a). A public defender or assistant public defender may be suspended or removed from office, and reinstated, for the same causes and under the same procedures as are applicable to removal of a district attorney."

ARBITRATION PILOT PROGRAM

Sec. 23. In order to determine whether a system of mandatory, nonbinding arbitration of small cases may help reduce costs in the trial divisions of the General Court of Justice and make the operation of these divisions generally more efficient, the Supreme Court of North Carolina may, by such rules as it shall determine appropriate, provide for an experimental, pilot program in three judicial districts selected by the Court, of mandatory, nonbinding arbitration of all claims for money damages of $15,000 or less. The rules shall make all such claims subject to decision initially by arbitration; but the rules must also insure that no party is deprived of the right to a jury trial and that any party dissatisfied

with the arbitration award may receive a trial *de novo*. The pilot program shall be evaluated for a reasonable period of time under the direction of the Court. The Court shall report the results of the evaluation to the General Assembly. The Court may seek such funds as are needed to establish and conduct the pilot program from such willing private sources as the Court may deem appropriate; provided, further, that no State funds shall be used to implement the pilot program. The Court may solicit the suggestions and cooperation of Attorneys, judges, and laypersons interested in the administration of justice in establishing, conducting, and funding the pilot program.

EFFECTIVE DATE

Sec. 24. Except as otherwise provided, this act is effective July 1, 1985.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

S.B. 98 **CHAPTER 699**

AN ACT TO PROVIDE FREE REGISTRATION PLATES TO PERSONS AWARDED THE CONGRESSIONAL MEDAL OF HONOR WHO ARE RESIDENTS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. The catch line of G.S. 20-81.4 is rewritten to read:

"§ 20-81.4. Free registration plates to disabled veterans, former prisoners of war, and Congressional Medal of Honor recipients."

Sec. 2. G.S. 20-81.4 is amended by adding two new subsections to read:

"(a2) From and after January 1, 1986, the Division, upon request by a recipient of the Congressional Medal of Honor residing in this State, shall provide and issue to that person a special Congressional Medal of Honor registration and registration plates and/or validation stickers for either one automobile or one pickup truck, where the truck is not used for hire."

"(c2) The registration plate and/or validation stickers provided for by this section for recipients of the Congressional Medal of Honor shall be issued free of charge and only upon proof as may be required by the Division as to the recipient's status and proof of financial responsibility as required by the motor vehicle laws of North Carolina."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 142 **CHAPTER 700**

AN ACT TO REPEAL THE SUNSET PROVISION ON CERTAIN SAFETY REQUIREMENTS CONCERNING A STOPPED SCHOOL BUS.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 779 of the 1983 Session Laws is rewritten to read:

"This act shall become effective October 1, 1983. G.S. 20-217(f) shall expire October 1, 1987 and shall not be effective on and after that date."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 1131 **CHAPTER 701**

AN ACT TO REWRITE THE PHYSICAL THERAPY PRACTICE ACT.

The General Assembly of North Carolina enacts:

Section 1. Article 18B of North Carolina General Statutes Chapter 90 is rewritten to read:

"ARTICLE 18B.
"PHYSICAL THERAPY.

"§ 90-270.24. *Definitions.*—In this Article, unless the context otherwise requires, the following definitions shall apply:

(1) 'Board' means the North Carolina Board of Physical Therapy Examiners.

(2) 'Physical therapist' means any person who practices physical therapy in accordance with the provisions of this Article.

(3) 'Physical therapist assistant' means any person who assists in the practice of physical therapy in accordance with the provisions of this Article, and who works under the supervision of a physical therapist by performing such patient-related activities assigned by a physical therapist which are commensurate with the physical therapist assistant's education and training, but an assistant's work shall not include the interpretation and implementation of referrals from licensed medical doctors or dentists, the performance of evaluations, or the determination or major modification of treatment programs.

(4) 'Physical therapy' means the evaluation or treatment of any person by the use of physical, chemical, or other properties of heat, light, water, electricity, sound, massage, or therapeutic exercise, or other rehabilitative procedures, with or without assistive devices, for the purposes of preventing, correcting, or alleviating a physical or mental disability. Physical therapy includes the performance of specialized tests of neuromuscular function, administration of specialized therapeutic procedures, interpretation and implementation of referrals from licensed medical doctors or dentists, and establishment and modification of physical therapy programs for patients. Evaluation and treatment of

patients may involve physical measures, methods, or procedures as are found commensurate with physical therapy education and training and generally or specifically authorized by regulations of the Board. Physical therapy education and training shall include study of the skeletal manifestations of systemic disease. Physical therapy does not include the application of roentgen rays or radioactive materials, surgery, manipulation of the spine unless prescribed by a physician licensed to practice medicine in North Carolina, or medical diagnosis of disease.

(5) 'Physical therapy aide' means any nonlicensed person who aids in the practice of physical therapy in accordance with the provisions of this Article, and who at all times acts under the orders, direction, and on-site supervision of a licensed physical therapist or physical therapist assistant. An aide may perform physical therapy related activities which are assigned and are commensurate with an aide's training and abilities, but an aide's work shall not include the interpretation and implementation of referrals from licensed medical doctors or dentists, the performance of evaluations, the determination and modification of treatment programs, or any independent performance of any physical therapy procedures.

"§ 90-270.25. *Board of Examiners.*—The North Carolina Board of Physical Therapy Examiners is hereby created. The Board shall consist of eight members, including one medical doctor licensed and residing in North Carolina, four physical therapists, two physical therapist assistants, and one public member. The public member shall be appointed by the Governor and shall be a person who is not licensed under Chapter 90 who shall represent the interest of the public at large. The medical doctor, physical therapists, and physical therapist assistants shall be appointed by the Governor from a list compiled by the North Carolina Physical Therapy Association, Inc., following the use of a nomination procedure made available to all physical therapists and physical therapist assistants licensed and residing in North Carolina. In soliciting nominations and compiling its list, the Association will give consideration to geographic distribution, practice setting (institution, independent, academic, etc.), and other factors that will promote representation of all aspects of physical therapy practice on the Board. The records of the operation of the nomination procedure shall be filed with the Board, to be available for a period of six months following nomination, for reasonable inspection by any licensed practitioner. Each physical therapist member of the Board shall be licensed and reside in this State; provided that the physical therapist shall have not less than three years' experience as a physical therapist immediately preceding appointment and shall be actively engaged in the practice of physical therapy in North Carolina during incumbency. Each physical therapist assistant member shall be licensed and reside in this State; provided that the physical therapist assistant shall have not less than three years' experience as a physical therapist assistant immediately preceding appointment and shall be actively engaged in practice as a physical therapist assistant in North Carolina during incumbency.

Members shall be appointed to serve three-year terms, or until their successors are appointed, to commence on January 1 in respective years. In the event that a member of the Board for any reason shall become

ineligible to or cannot complete a term of office, another appointment shall be made by the Governor, in accordance with the procedure stated above, to fill the remainder of the term. No member may serve for more than two successive three-year terms.

The Board each year shall designate one of its physical therapist members as chairman and one member as secretary-treasurer. Each member of the Board shall receive such per diem compensation and reimbursement for travel and subsistence as shall be set for licensing boards generally.

"§ 90-270.26. *Powers of the Board.*—The Board shall have the following general powers and duties:

(1) Examine and determine the qualifications and fitness of applicants for a license to practice physical therapy in this State;

(2) Issue, renew, deny, suspend, or revoke licenses to practice physical therapy in this State, or reprimand or otherwise discipline licensed physical therapists and physical therapist assistants;

(3) Conduct investigations for the purpose of determining whether violations of this Article or grounds for disciplining licensed physical therapists or physical therapist assistants exist;

(4) Employ such professional, clerical or special personnel necessary to carry out the provisions of this Article, and may purchase or rent necessary office space, equipment and supplies;

(5) Conduct administrative hearings in accordance with Article 3 of Chapter 150A of the General Statutes when a 'contested case' as defined in G.S. 150A-2(2) arises under this Article;

(6) Appoint from its own membership one or more members to act as representatives of the Board at any meeting where such representation is deemed desirable;

(7) Establish reasonable fees for applications for examination, certificates of licensure and renewal, and other services provided by the Board;

(8) Adopt, amend, or repeal any rules or regulations necessary to carry out the purposes of this Article and the duties and responsibilities of the Board.

The powers and duties enumerated above are granted for the purpose of enabling the Board to safeguard the public health, safety and welfare against unqualified or incompetent practitioners of physical therapy, and are to be liberally construed to accomplish this objective. In instances where the Board makes a decision to discipline physical therapists or physical therapist assistants under powers set out by any of subsections (2) through (5) of this section, it may as part of its decision charge the reasonable costs of investigation and hearing to the person disciplined.

"§ 90-270.27. *Records to be kept; copies of record.*—The Board shall keep a record of proceedings under this Article and a record of all persons licensed under it. The record shall show the name, last known place of business and last known place of residence, and date and number of licensure certificate as a physical therapist or physical therapist assistant, for every living licensee. Any interested person in the State is entitled to obtain a copy of that record on application to the Board and payment of such reasonable charge as may be fixed by it based on the costs involved.

"§ 90-270.28. *Disposition of funds.*—All fees and other moneys collected and received by the Board shall be used for the purposes of implementing this Article. The financial records of the Board shall be subjected to an annual audit and paid for out of the funds of the Board.

"§ 90-270.29. *Qualifications of applicants for examination; application; fee.*—Any person who desires to be licensed under this Article and who:

(1) Is of good moral character;

(2) If an applicant for physical therapy licensure, has been graduated from a physical therapy program accredited by an agency recognized by either the U.S. Office of Education or the Council on Postsecondary Accreditation; and

(3) If an applicant for physical therapist assistant licensure, has been graduated from a physical therapist assistant educational program accredited by an agency recognized by either the U.S. Office of Education or the Council on Postsecondary Accreditation;

may make application on a form furnished by the Board for examination for licensure as a physical therapist or physical therapist assistant. At the time of making such application, the applicant shall pay to the secretary-treasurer of the Board the fee prescribed by the Board, no portion of which shall be returned.

"§ 90-270.30. *Licensure of foreign-trained physical therapists.*—Any person who has been trained as a physical therapist in a foreign county and desires to be licensed under this Article and who:

(1) Is of good moral character;

(2) Holds a diploma from an educational program for physical therapists approved by the Board:

(3) Submits documentary evidence to the Board of completion of a course of instruction substantially equivalent to that obtained by an applicant for licensure under G.S. 90-270.29; and

(4) Demonstrates satisfactory proof of proficiency in the English language;

may make application on a form furnished by the Board for examination as a foreign-trained physical therapist. At the time of making such application, the applicant shall pay to the secretary-treasurer of the Board the fee prescribed by the Board, no portion of which shall be returned.

"§ 90-270.31. *Certificates of licensure.*—(a) The Board shall furnish a certificate of licensure to each applicant successfully passing the examination for licensure as a physical therapist or physical therapist assistant, respectively. Upon receipt of satisfactory evidence that an applicant has graduated, within six months prior to application, from a physical therapy or physical therapy assistant program accredited as required under G.S. 90-270.29, the Board may authorize the applicant to perform as a physical therapist or physical therapist assistant in this State, but only under the immediate supervision of a physical therapist licensed in this State, until a formal decision by the Board on the application for license. If a new graduate applicant that has been authorized to perform under supervision by a licensed physical therapist fails (without due cause as determined in the Board's discretion) to take the next succeeding examination, or if the applicant fails to pass the examination, and consequently does not become licensed, the authorization

for the applicant to perform under supervision shall expire. Applicants approved by the Board for performance as physical therapists or physical therapist assistants while their applications are pending under circumstances described in this subsection shall be referred to as Physical Therapist Graduate or Physical Therapist Assistant Graduate.

(b) The Board shall furnish a certificate of licensure to any person who is a physical therapist or physical therapist assistant registered or licensed under the laws of another state or territory, if the individual's qualifications were at the date of his registration or licensure substantially equal to the requirements under this Article. When making such application, the applicant shall pay to the secretary-treasurer of the Board the fee prescribed by the Board, no portion of which shall be returned.

"§ 90-270.32. *Renewal of license; lapse; revival.*—(a) Every licensed physical therapist or physical therapist assistant shall, during the month of January of every year, apply to the Board for a renewal of licensure and pay to the secretary-treasurer the prescribed fee. Licenses that are not so renewed shall automatically lapse.

(b) The manner in which lapsed licenses shall be revived or extended shall be established by the Board in its discretion.

"§ 90-270.33. *Fees.*—The Board is authorized to charge and collect fees established by its rules and regulations, but fees shall not exceed the following schedule for the specified items:

(1) Each application for examination $100.00
(2) Certificate of licensure pursuant to G.S. 90-270.31(b) 75.00
(3) License renewal 25.00

"§ 90-270.34. *Exemptions from licensure; certain practices exempted.*—(a) The following persons shall be permitted to practice physical therapy or assist in the practice in this State without obtaining a license under this Article upon the terms and conditions specified herein:

(1) Students enrolled in accredited physical therapist or physical therapist assistant educational programs, while engaged in completing a clinical requirement for graduation, which must be performed under the supervision of a licensed physical therapist;
(2) Physical therapists licensed in other jurisdictions while enrolled in graduate educational programs in this State that include the evaluation and treatment of patients as part of their experience required for credit, so long as the student is not at the same time gainfully employed in this State as a physical therapist;
(3) Practitioners of physical therapy employed in the United States armed services, United States Public Health Service, Veterans Administration or other federal agency, to the extent permitted under federal law, so long as the practitioner limits services to those directly relating to work with the employing government agency;
(4) Physical therapists or physical therapist assistants licensed in other jurisdictions who are teaching or participating in special physical therapy education projects, demonstrations or courses in this State, in which their participation in the evaluation and treatment of patients is minimal;

(5) A physical therapy aide while in the performance of those acts and practices specified in G.S. 90-270.24(5);

(6) Persons authorized to perform as physical therapists or physical therapist assistants under the provision of G.S. 90-270.31.

(b) Nothing in this Article shall be construed to prohibit:

(1) Any act in the lawful practice of a profession by a person duly licensed in this State;

(2) The administration of simple massages and the operation of health clubs so long as not intended to constitute or represent the practice of physical therapy.

"§ 90-270.35. *Unlawful practice.*—Except as otherwise authorized in this act, if any person, firm, or corporation shall:

(1) Practice, attempt to practice, teach, consult, or supervise in physical therapy, or hold out any person as being able to do any of these things in this State, without first having obtained a license or authorization from the Board for the person performing services or being so held out;

(2) Use in connection with any person's name any letters, words, numerical codes, or insignia indicating or implying that the person is a physical therapist or physical therapist assistant, or applicant with 'Graduate' status, unless the person is licensed or authorized in accordance with this Article;

(3) Practice or attempt to practice physical therapy with a revoked, lapsed, or suspended license;

(4) Practice physical therapy and fail to refer to a licensed medical doctor or dentist any patient whose medical condition should have, at the time of evaluation or treatment, been determined to be beyond the scope of practice of a physical therapist;

(5) Aid, abet, or assist any unlicensed person to practice physical therapy in violation of this Article; or

(6) Violate any of the provisions of this Article;

said person, firm, or corporation shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined or imprisoned, or both fined and imprisoned, in the discretion of the court. Each act of such unlawful practice shall constitute a distinct and separate offense.

"§ 90-270.36. *Grounds for disciplinary action.*—Grounds for disciplinary action shall include but not be limited to the following:

(1) The employment of fraud, deceit or misrepresentation in obtaining or attempting to obtain a license, or the renewal thereof;

(2) The use of drugs or intoxicating liquors to an extent which affects professional competency;

(3) Conviction of an offense under any municipal, State, or federal narcotic or controlled substance law, until proof of rehabilitation can be established;

(4) Conviction of a felony or other public offense involving moral turpitude, until proof of rehabilitation can be established;

(5) An adjudication of insanity or incompetency, until proof of recovery from the condition can be established;

(6) Engaging in any act or practice violative of any of the provisions of this Article or of any of the rules and regulations adopted by the Board,

or aiding, abetting or assisting any other person in the violation of the same;

(7) The commission of an act or acts of malpractice, gross negligence or incompetence in the practice of physical therapy;

(8) Practice as a licensed physical therapist or physical therapist assistant without a valid certificate of renewal;

(9) Engaging in conduct that could result in harm or injury to the public.

"§ 90-270.37. *Enjoining illegal practices.*—(a) The Board may, if it finds that any person is violating any of the provisions of this Article, apply in its own name to the superior court for a temporary or permanent restraining order or injunction to restrain such person from continuing such illegal practices. The court is empowered to grant injunctive relief regardless of whether criminal prosecution or other action has been or may be instituted as a result of the violation. In the court's consideration of the issue of granting or continuing an injunction sought by the Board, a showing of conduct in violation of the terms of this Article shall be sufficient to meet any requirement of general North Carolina injunction law for irreparable damage.

(b) The venue for actions brought under this section shall be the superior court of any county in which such illegal or unlawful acts are alleged to have been committed, in the county in which the defendants in such action reside, or in the county in which the Board maintains its offices and records.

"§ 90-270.38. *Title.*—This Article may be cited as the 'Physical Therapy Practice Act'.

"§ 90-270.39. *Osteopaths, chiropractors, and podiatrists not restricted.*—Nothing in this Article shall restrict the use of physical therapy modalities by licensed osteopaths, chiropractors, or podiatrists, in the lawful practice of their professions; except that, these licensed professionals shall not be permitted to in any way hold themselves, or any employee or associate, out as practicing physical therapy or being licensed by the Board of Physical Therapy Examiners, or any other agency, to do so."

Sec. 2. This act shall become effective December 30, 1985.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 1144 **CHAPTER 702**

AN ACT TO CLARIFY FILING REQUIREMENTS FOR A CLAIM OF STATUTORY LIEN BY A SUBCONTRACTOR DEALING WITH ONE OTHER THAN THE OWNER OF THE PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 44A-19 is amended by adding at the end a new subsection (d) to read:

"(d) Notices under this section shall be served upon the obligor in person or by certified mail in any manner authorized by the North

Carolina Rules of Civil Procedure. A copy of the notice shall be attached to any claim of lien filed pursuant to G.S. 44A-20(d)."

Sec. 2. G.S. 44A-20(d) is amended by adding at the end two new sentences to read:

"The lien is perfected as of the time set forth in G.S. 44A-10 upon filing of claim of lien pursuant to G.S. 44A-12. The claim of lien shall be in the form set out in G.S. 44A-12(c) and shall contain, in addition, a copy of the notice given pursuant to G.S. 44A-19 as an exhibit together with proof of service thereof by affidavit, and shall state the grounds the lien claimant has to believe that the obligor is personally liable for the debt under subsection (b)."

Sec. 3. G.S. 44A-18(6) is rewritten to read:

"(6) A lien upon funds granted under this section is perfected upon the giving of notice in writing to the obligor as provided in G.S. 44A-19 and shall be effective upon the obligor's receipt of the notice. The subrogation rights of a first, second, or third tier subcontractor to the lien of the contractor created by Part 1 of Article 2 of this Chapter are perfected as provided in G.S. 44A-23."

Sec. 4. G.S. 44A-23 is amended by adding after the second sentence of that section a new sentence to read: "The lien is perfected as of the time set forth in G.S. 44A-10 upon filing of claim of lien pursuant to G.S. 44A-12."

Sec. 5. This act shall become effective October 1, 1985, and applies to notices and claims filed after that date.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 1171 **CHAPTER 703**

AN ACT TO STRENGTHEN THE OBSCENITY LAWS OF THIS STATE AND THE ENFORCEMENT OF THESE LAWS, TO PROTECT MINORS FROM HARMFUL MATERIAL THAT DOES NOT RISE TO THE LEVEL OF OBSCENITY, AND TO STOP THE SEXUAL EXPLOITATION AND PROSTITUTION OF MINORS.

The General Assembly of North Carolina enacts:

Part 1. Obscenity Changes.

Section 1. G.S. 14-190.1 is amended as follows:

(1) by deleting the words "in any public place" in the first sentence of subsection (a);

(2) by deleting the word "statewide" in subdivision (b)(2);

(3) by deleting the word "representation" in subdivision (b)(2) and substituting the word "description";

(4) by deleting the word "educational" in subdivision (b)(3); and

(5) by rewriting subsection (c) to read:

"(c) As used in this Article, 'sexual conduct' means:

(1) Vaginal, anal, or oral intercourse, whether actual or simulated, normal or perverted; or

(2) Masturbation, excretory functions, or lewd exhibition of uncovered genitals; or

(3) An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume."

(6) by deleting all but the first sentence of subsection (d);

(7) by rewriting subsection (g) to read:

"(g) Violation of this section is a Class J felony."; and

(8) by adding a new subsection to read:

"(h) Obscene material disseminated, procured, or promoted in violation of this section is contraband."

Sec. 2. G.S. 14-190.2 is repealed.

Sec. 3. G.S. 14-190.3 is repealed.

Sec. 4. G.S. 14-190.4 is amended by rewriting the last sentence of that section to read:

"Violation of this section is a misdemeanor punishable by imprisonment for up to one year and a fine of up to one thousand dollars ($1,000)."

Sec. 5. G.S. 14-190.5 is amended as follows:

(1) by deleting the words "in a public place" from subdivisions (1) and (2); and

(2) by rewriting that part of the section beginning with the word "punishable" to read:

"punishable by imprisonment for up to one year and a fine of up to one thousand dollars ($1,000)."

Sec. 6. G.S. 14-190.6 is amended by deleting "other than G.S. 14-190.12" and by rewriting that part of the section beginning with the word "misdemeanor" to read: "Class I felony."

Sec. 7. G.S. 14-190.7 is amended by rewriting that part of the section beginning with the word "misdemeanor" to read: "Class I felony."

Sec. 8. G.S. 14-190.8 is amended as follows:

(1) by deleting the phrase "Class I" and substituting the phrase "Class H"; and

(2) by changing the comma after the word "felon" to a period and deleting the remainder of that section.

Part 2. Protection of Minors Amendments.

Sec. 9. G.S. 14-190.10, 14-190.11, and 14-190.12 are deleted and are replaced by the following sections to read:

"§ 14-190.10. *Definitions for certain offenses concerning minors.*—The following definitions apply to G.S. 14-190.11, displaying material harmful to minors; G.S. 14-190.12, disseminating or exhibiting to minors harmful material or performances; G.S. 14-190.13, first degree sexual exploitation of a minor; G.S. 14-190.14, second degree sexual exploitation of a minor; G.S. 14-190.15, promoting prostitution of a minor; and G.S. 14-190.16, participating in prostitution of a minor.

(1) Harmful to Minors. That quality of any material or performance that depicts sexually explicit nudity or sexual activity and that, taken as a whole, has the following characteristics:

a. The average adult person applying contemporary community standards would find that the material or performance has a

predominant tendency to appeal to a prurient interest of minors in sex; and

b. The average adult person applying contemporary community standards would find that the depiction of sexually explicit nudity or sexual activity in the material or performance is patently offensive to prevailing standards in the adult community concerning what is suitable for minors; and

c. The material or performance lacks serious literary, artistic, political, or scientific value for minors.

(2) Material. Pictures, drawings, video recordings, films or other visual depictions or representations but not material consisting entirely of written words.

(3) Minor. An individual who is less than 18 years old and is not married or judicially emancipated.

(4) Prostitution. Engaging or offering to engage in sexual activity with or for another in exchange for anything of value.

(5) Sexual Activity. Any of the following acts:

a. Masturbation, whether done alone or with another human or an animal.

b. Vaginal, anal, or oral intercourse, whether done with another human or with an animal.

c. Touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breasts of a human female.

d. An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a person clad in undergarments or in revealing or bizarre costume.

e. Excretory functions.

f. The insertion of any part of a person's body, other than the male sexual organ, or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure.

(6) Sexually Explicit Nudity. The showing of:

a. Uncovered, or less than opaquely covered, human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast; or

b. Covered human male genitals in a discernably turgid state.

"§ 14-190.11. *Displaying material harmful to minors.*—(a) Offense. A person commits the offense of displaying material that is harmful to minors if, having custody, control, or supervision of a commercial establishment and knowing the character or content of the material, he displays material that is harmful to minors at that establishment so that it is open to view by minors as part of the invited general public. Material is not considered displayed under this section if the material is placed behind 'blinder racks' that cover the lower two-thirds of the material, is wrapped, is placed behind the counter, or is otherwise covered or located so that the portion that is harmful to minors is not open to the view of minors.

(b) Punishment. Violation of this section is a misdemeanor and is punishable by imprisonment for up to six months and a fine of at least five hundred dollars ($500.00). Each day's violation of this section is a separate offense.

"§ 14-190.12. *Disseminating harmful material to minors; exhibiting harmful performances to minors.*—(a) Disseminating Harmful Material. A person commits the offense of disseminating harmful material to minors if, with or without consideration and knowing the character or content of the material, he:

(1) Sells, furnishes, presents, or distributes to a minor material that is harmful to minors; or

(2) Allows a minor to review or peruse material that is harmful to minors.

(b) Exhibiting Harmful Performance. A person commits the offense of exhibiting a harmful performance to a minor if, with or without consideration and knowing the character or content of the performance, he allows a minor to view a live performance that is harmful to minors.

(c) Defenses. Except as provided in subdivision (3), mistake of age is not a defense to a prosecution under this section. It is an affirmative defense to a prosecution under this section that:

(1) The defendant was a parent or legal guardian of the minor.

(2) The defendant was a school, church, museum, public library, governmental agency, medical clinic, or hospital carrying out its legitimate function; or an employee or agent of such an organization acting in that capacity and carrying out a legitimate duty of his employment.

(3) Before disseminating or exhibiting the harmful material or performance, the defendant requested and received a driver's license, student identification card, or other official governmental or educational identification card or paper indicating that the minor to whom the material or performance was disseminated or exhibited was at least 18 years old, and the defendant reasonably believed the minor was at least 18 years old.

(4) The dissemination was made with the prior consent of a parent or guardian of the recipient.

(d) Punishment. Violation of this section is a misdemeanor and is punishable by imprisonment for up to two years and a fine.

"§ 14-190.13. *First degree sexual exploitation of a minor.*—(a) Offense. A person commits the offense of first degree sexual exploitation of a minor if, knowing the character or content of the material or performance, he:

(1) Uses, employs, induces, coerces, encourages, or facilitates a minor to engage in or assist others to engage in sexual activity for a live performance or for the purpose of producing material that contains a visual representation depicting this activity; or

(2) Permits a minor under his custody or control to engage in sexual activity for a live performance or for the purpose of producing material that contains a visual representation depicting this activity; or

(3) Transports or finances the transportation of a minor through or across this State with the intent that the minor engage in sexual

activity for a live performance or for the purpose of producing material that contains a visual representation depicting this activity; or

(4) Records, photographs, films, develops, or duplicates for sale or pecuniary gain material that contains a visual representation depicting a minor engaged in sexual activity.

(b) Inference. In a prosecution under this section, the trier of fact may infer that a participant in sexual activity whom material through its title, text, visual representations, or otherwise represents or depicts as a minor is a minor.

(c) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.

(d) Punishment and Sentencing. Violation of this section is a Class G felony. Notwithstanding any other provision of law, except a person sentenced as a committed youthful offender, a person convicted under this section shall receive a sentence of at least six years and shall be entitled to credit for good behavior under G.S. 15A-1340.7, except that such credit shall not reduce the time served to less than three years. A person so convicted shall serve a term of not less than three years, excluding gain time granted under G.S. 148-13. The sentencing judge shall not suspend the sentence and shall not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentence being served by the person sentenced.

"§ 14-190.14. *Second degree sexual exploitation of a minor.*—(a) Offense. A person commits the offense of second degree sexual exploitation of a minor if, knowing the character or content of the material, he:

(1) Records, photographs, films, develops, or duplicates material that contains a visual representation of a minor engaged in sexual activity; or

(2) Distributes, transports, exhibits, receives, sells, purchases, exchanges, or solicits material that contains a visual representation of a minor engaged in sexual activity.

(b) Inference. In a prosecution under this section, the trier of fact may infer that a participant in sexual activity whom material through its title, text, visual representations, or otherwise represents or depicts as a minor is a minor.

(c) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.

(d) Punishment and Sentencing. Violation of this section is a Class H felony. Notwithstanding any other provision of law, except a person sentenced as a committed youthful offender, a person convicted under this section shall receive a sentence of at least four years and shall be entitled to credit for good behavior under G.S. 15A-1340.7, except that such credit shall not reduce the time served to less than two years. A person so convicted shall serve a term of not less than two years, excluding gain time granted under G.S. 148-13. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall

commence at the expiration of any other sentence being served by the person sentenced.

"§ 14-190.15. *Promoting prostitution of a minor.*—(a) Offense. A person commits the offense of promoting prostitution of a minor if he knowingly:

(1) Entices, forces, encourages, or otherwise facilitates a minor to participate in prostitution; or

(2) Supervises, supports, advises, or protects the prostitution of or by a minor.

(b) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.

(c) Punishment and Sentencing. Violation of this section is a Class G felony. Notwithstanding any other provision of law, except a person sentenced as a committed youthful offender, a person convicted under this section shall receive a sentence of at least six years and shall be entitled to credit for good behavior under G.S. 15A-1340.7, except that such credit shall not reduce the time served to less than three years. A person so convicted shall serve a sentence of not less than three years, excluding gain time granted under G.S. 148-13. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentence being served by the person sentenced.

"§ 14-190.16. *Participating in prostitution of a minor.*—(a) Offense. A person commits the offense of participating in the prostitution of a minor if he is not a minor and he patronizes a minor prostitute. As used in this section, 'patronizing a minor prostitute' means:

(1) Soliciting or requesting a minor to participate in prostitution;

(2) Paying or agreeing to pay a minor, either directly or through the minor's agent, to participate in prostitution; or

(3) Paying a minor, or the minor's agent, for having participated in prostitution, pursuant to a prior agreement.

(b) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.

(c) Punishment and Sentencing. Violation of this section is a Class H felony. Notwithstanding any other provision of law, except a person sentenced as a committed youthful offender, a person convicted under this section shall receive a sentence of at least four years and shall be entitled to credit for good behavior under G.S. 15A-1340.7, except that such credit shall not reduce the time served to less than two years. A person so convicted shall serve a term of not less than two years, excluding gain time granted under G.S. 148-13. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentence being served by the person sentenced."

Sec. 9.1. Article 26 of Chapter 14 of the General Statutes is further amended by adding a new section to read:

"§ 14-190.17. *Warrants for obscenity offenses.*—A search warrant or criminal process for a violation of G.S. 14-190.1 through 14-190.5 may be issued only upon the request of a prosecutor."

Sec. 10. This act shall become effective October 1, 1985, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

S.B. 663 **CHAPTER 704**

AN ACT TO IMPOSE SALES TAX ON ALL PROPERTY SOLD AT FLEA MARKETS, TO REQUIRE ALL PERSONS WHO SELL PROPERTY AT FLEA MARKETS TO DISPLAY THEIR SALES TAX LICENSES, AND TO REQUIRE PERSONS WHO SELL AT FLEA MARKETS TO FURNISH EVIDENCE TO THE LESSOR OF THE MARKET THAT THEY ARE REGISTERED FOR SALES TAX PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.4 is amended as follows:

(1) by inserting a new subdivision between subdivisions (4a) and (5) to read:

"(4b) A person who sells tangible personal property at a flea market, other than his own household personal property, is considered a retailer under this Article. A tax is levied on that person at the rate of three percent (3%) of the sales price of each article sold by him at the flea market. A person who leases or rents space at a flea market may not lease or rent this space unless the retailer requesting to rent or lease the space furnishes evidence that he has obtained the license required by this Article. A person who leases or rents space at a flea market shall keep records of retailers to whom he has leased or rented space at the market. As used in this subdivision, the term 'flea market' means a place where space is rented to a person for the purpose of selling tangible personal property."; and

(2) by adding a new sentence at the end of subdivision (7) to read: "A retailer who sells tangible personal property at a flea market shall conspicuously display his sales tax license when making sales at the flea market."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

S.B. 624 **CHAPTER 705**

AN ACT TO INCREASE THE PERCENTAGE OF SIGNATURES REQUIRED TO CALL AN ALCOHOLIC BEVERAGE ELECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-601(b)(2) is amended by deleting "twenty-five percent (25%)", and substituting "thirty-five percent (35%)".

Sec. 2. G.S. 18B-602(c)(2) is amended by deleting "twenty-five percent (25%)", and substituting "thirty-five percent (35%)".

Sec. 2.1. G.S. 18B-601(f) is amended by adding the following at the end of the sentence:

"No alcoholic beverage election may be held on the Tuesday next after the first Monday in November of an even-numbered year."

Sec. 3. This act shall become effective with respect to all petitions initiated under G.S. 18B-601 on or after September 1, 1985, except that Section 2.1 of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

S.B. 596 **CHAPTER 706**

AN ACT TO CLARIFY CONDITIONS OF PROBATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-179 is amended by adding two new subsections to read:

"(r) *Supervised probation terminated.*—Unless a judge in his discretion determines that supervised probation is necessary, and includes in the record that he has received evidence and finds as a fact that supervised probation is necessary, and states in his judgment that supervised probation is necessary, a defendant convicted of an offense of impaired driving shall be placed on unsupervised probation if he meets two conditions. These conditions are that he has not been convicted of an offense of impaired driving within the seven years preceding the date of this offense for which he is sentenced and that the defendant is sentenced under subsections (i), (j), and (k) of this section.

When a judge determines in accordance with the above procedures that a defendant should be placed on supervised probation, the judge shall authorize the probation officer to modify the defendant's probation by placing the defendant on unsupervised probation upon the completion by the defendant of the following conditions of his suspended sentence:

(1) Community service; or

(2) Treatment and education as described in subsections (l) and (m); or

(3) Payment of any fines, court costs, and fees; or

(4) Any combination of these conditions.

(s) Method of serving sentence. The judge in his discretion may order a term of imprisonment or community service to be served on weekends, even if the sentence cannot be served in consecutive sequence. The judge in his discretion may order that a sentence of imprisonment of seven or more consecutive days may be served with work release privileges."

Sec. 2. G.S. 20-179.3(i) is amended by rewriting the second sentence of that subsection to read:

"If the judge who issued the privilege is not presiding in the court in which the privilege was issued, a presiding judge in that court may modify or revoke a privilege in accordance with this subsection."

Sec. 3. This act shall become effective 30 days after ratification and shall apply to offenses committed on and after that date.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

S.B. 587 **CHAPTER 707**

AN ACT TO PROVIDE FOR PAYMENT BY A CITY TO TAXPAYERS OF A FIRE DISTRICT WHEN A CITY ANNEXES TERRITORY IN THE FIRE DISTRICT DURING THE FISCAL YEAR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 69-25.15 is amended by redesignating the existing first and second paragraphs as subsections (a) and (b) respectively.

Sec. 2. G.S. 69-25.15 is amended by adding the following new subsections to read:

"(c) When all or part of a fire protection district is annexed, and the effective date of the annexation is a date other than a date in the month of June, the amount of the fire protection district tax levied on property in the district for the fiscal year in which municipal taxes are prorated under G.S. 160A-58.10 shall be multiplied by the following fraction: the denominator shall be 12 and the numerator shall be the number of full calendar months remaining in the fiscal year following the day on which the annexation becomes effective. For each owner, the product of the multiplication is the prorated fire protection payment. The finance officer of the city shall obtain from the tax supervisor or tax collector of the county where the annexed territory was located a list of the owners of property on which fire protection district taxes were levied in the territory being annexed, and the city shall, no later than 90 days after the effective date of the annexation, pay the amount of the prorated fire protection district payment to the owners of that property. Such payments shall come from any funds not otherwise restricted by law.

(d) Whenever a city is required to make fire protection district tax payments by subsection (c) of this section, and the city has paid or has contracted to pay to a rural fire department funds under G.S. 160A-37.1 or G.S. 160A-49.1, the county shall pay to the city from funds of the rural fire protection district an amount equal to the amount paid by the city (or to be paid by the city) to a rural fire department under G.S. 160A-37.1 or G.S. 160A-49.1 on account of annexation of territory in the rural fire protection district for the number of months in that fiscal year used in calculating the numerator under subsection (c) of this section; provided that the required payments by the county to the city shall not exceed the total of fire protection district payments made to taxpayers in the district on account of that annexation."

Sec. 3. This act applies as to annexations with an effective date on or after July 1, 1985, except as to the Cities of Fayetteville, Hope Mills, and Greensboro, it applies as to annexations with an effective date on or after July 1, 1984; provided, with respect to such annexations occurring prior to July 1, 1985, the payment required under subsection (c) shall be made no later than 90 days after ratification of this act. As to any city named in this section, if the ninetieth day after the effective date of the annexation has passed on the date of ratification of this act, the payment required by G.S. 69-25.15(c) shall be made no later than 90 days after the date of ratification of this act.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

S.B. 418 **CHAPTER 708**

AN ACT TO PERMIT THE TREASURER TO AUTHORIZE LIMITED EXEMPTIONS FROM THE DAILY DEPOSIT LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 147-77 is amended by inserting before the proviso: "Provided that the State Treasurer may authorize exemptions from the provisions of this section so long as funds are deposited and reported pursuant to the provisions of this section at least once a week and, in addition, so long as funds are deposited and reported pursuant to the provisions of this section whenever as much as two hundred fifty dollars ($250.00) has been collected and received:".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

S.B. 394 **CHAPTER 709**

AN ACT TO ESTABLISH A GENERAL STATEWIDE CASH MANAGEMENT POLICY FOR THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Chapter 147 of the General Statutes is amended by adding a new Article to read:

"Article 6A.
"Cash Management.

"§ 147-86.10. *Statement of policy.*—It is the policy of the State of North Carolina that all agencies, institutions, departments, bureaus, boards, commissions and officers of the State, whether or not subject to the Executive Budget Act, Chapter 143, Article 1 of the General Statutes, shall devise techniques and procedures for the receipt, deposit, and disbursement of monies coming into their control and custody which are designed to maximize interest-bearing investment of cash, and to minimize idle and nonproductive cash balances. This policy shall apply to the General Court of Justice as defined in Article IV of the North Carolina Constitution, the public school administrative units, and the community colleges with respect to the receipt, deposit, and disbursement of monies required by law to be deposited with the State Treasurer and with respect to monies made available to them for expenditure by warrants drawn on the State Treasurer.

"§ 147-86.11. *Cash management for the State.*—(a) The Director of the Budget, with the advice and assistance of the State Treasurer and the State Auditor, shall develop, implement and amend as necessary a uniform statewide plan to carry out the cash management policy for all State agencies. The State Auditor shall report annually to the Advisory Budget

Commission and the General Assembly on the implementation of the plan as shown in the audits completed during the prior fiscal year. The State Treasurer shall recommend periodically to the General Assembly any implementing legislation necessary or desirable in the furtherance of the State policy. When used in this section, 'State agency' means any agency, institution, bureau, board, commission or officer of the State; however, except as provided in G.S. 147-86.12, 147-86.13, and 147-86.14, this Article shall not apply to the agencies, institutions, bureaus, boards, commissions and officers of the General Court of Justice as defined in Article IV of the North Carolina Constitution or to the local school administrative units, community colleges, and technical institutes and their officers and employees.

(b) The State Auditor pursuant to his authority under G.S. 147-64.6 shall monitor agency compliance with this Article, and make any comments, suggestions, and recommendations he deems advisable to the agencies.

(c) The State Treasurer shall publish a quarterly report on all funds in the control or custody of the State Treasurer showing cash balances on hand, investments of cash balances and a comparative analysis of earnings and investment performances.

(d) The cash management plan adopted and implemented pursuant to this section shall provide that any net earnings on invested funds, whose beneficial owner is not the State or a local governmental unit, shall be paid to the beneficial owners of the funds. 'Net earnings' are the amounts remaining after allowance for the cost of administration, management, and operation of the invested funds.

(e) The receipt section of the uniform statewide plan promulgated by the Director of the Budget shall provide at a minimum that:

(1) Except as otherwise provided by law, monies received by employees of State agencies in the normal course of their employment shall be deposited as follows:

a. Monies received in trust for specific beneficiaries for which the employee-custodian has a duty to invest shall be deposited with the State Treasurer under the provisions of G.S. 147-69.3.

b. All other monies received shall be deposited with the State Treasurer pursuant to G.S. 147-77 and G.S. 147-69.1.

(2) Monies received shall be deposited daily in the form and amounts received, except as otherwise provided by statute;

(3) Monies due to a State agency by another governmental agency or by private persons shall be promptly billed, collected and deposited;

(4) Unpaid billings due to a State agency shall be turned over to the Attorney General for collection no more than 90 days after the due date of the billing; and

(5) Monies received in the form of warrants drawn on the State Treasurer shall be deposited by the State agency directly with the State Treasurer and not through the banking system, unless otherwise approved by the State Treasurer.

(f) The disbursement section of the statewide plan adopted by the Director of the Budget shall provide at a minimum that:

(1) Monies deposited with the State Treasurer remain on deposit with the State Treasurer until final disbursement to the ultimate payee;

(2) The order in which appropriations and other available resources are expended shall be subject to the provisions of G.S. 143-27 regardless of whether the State agency disbursing or expending the monies is subject to the Executive Budget Act.

(3) Federal and other reimbursements of expenditures paid from State funds shall be paid immediately to the source of the State funds.

(4) Billings to the State for goods received or services rendered shall be paid neither early nor late but on the discount date or the due date to the extent practicable; and

(5) Disbursement cycles for each agency shall be established to the extent practicable so that the overall efficiency of the warrant disbursement system is maximized while maintaining prompt payment of bills due.

(g) The interest earnings of the General Fund and Highway Fund shall be maximized to the extent practicable. To this end:

(1) interest earnings shall not be allocated to an account by the State Treasurer unless all of the monies in the account are expressly eligible by law for receiving interest allocations;

(2) State officers and employees who receive monies in trust or for investment shall be solely responsible for properly segregating such funds for investment in the manner prescribed by law. The officer or employee charged with the responsibility for these monies shall be under a duty to segregate the funds in a timely manner. No investment income shall be allocated by the State Treasurer to trust or other investment accounts until properly segregated into investment accounts as provided by law and the rules of the State Treasurer.

(h) The cash management plan shall consider new technologies and procedures whenever the technologies and procedures are economically beneficial to the State as a whole. Where the new technologies and procedures may be implemented without additional legislation, the technologies and procedures shall be implemented in the plan.

(i) A willful or continued failure of an employee paid from State funds or employed by a State agency to follow this cash management policy and the statewide cash management plan adopted by the Director of the Budget is sufficient cause for immediate dismissal of the employee.

"§ 147-86.12. *Cash management for school administration units.*—All school administrative units and their officers and employees are subject to the provision of G.S. 147-86.11 with respect to monies required by law to be deposited with the State Treasurer and with respect to monies made available to the school administrative unit for expenditure by warrants drawn on the State Treasurer.

"§ 147-86.13. *Cash management for community colleges.*—All community colleges and technical institutes and their officers and employees are subject to the provisions of G.S. 147-86.11 with respect to monies required by law to be deposited with the State Treasurer and with

respect to monies made available to them for expenditure by warrants drawn on the State Treasurer.

"§ 147-86.14. *Cash management for the General Court of Justice.*—All agencies, institutions, bureaus, boards, commissions, and officers of the General Court of Justice as defined in Article IV of the Constitution are subject to the provisions of G.S. 147-86.11 with respect to monies required by law to be deposited with the State Treasurer and with respect to monies made available to them for expenditure by warrants drawn on the State Treasurer; provided, that the provisions of G.S. 147-86.11 shall not apply to any funds deposited with a clerk of superior court unless the beneficial owner of the funds is either the State or a local governmental unit of the State."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 1420 CHAPTER 710

AN ACT TO CHANGE THE MEMBERSHIP OF THE CRAVEN COUNTY TOURISM DEVELOPMENT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Section 7(a)(4) of Chapter 980, Session Laws of 1983 is deleted and the following substituted:

"(4) One person with demonstrated interest in and support of tourism development, appointed by the New Bern-Craven Chamber of Commerce;

(4a) One person with demonstrated interest in and support of tourism development, appointed by the Havelock Chamber of Commerce;".

Sec. 2. This act shall become effective upon the expiration of the current term of the persons serving on the Craven County Tourism Development Authority as appointed under Section 7(a)(4) of Chapter 980, Session Laws of 1983.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 1219 CHAPTER 711

AN ACT TO AMEND THE STATUTES PERTAINING TO THE NORTH CAROLINA HAZARDOUS WASTE TREATMENT COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-470.4(b) is amended in the first sentence by deleting the date "June 1, 1985" and substituting "January 1, 1986".

Sec. 2. G.S. 143B-470.4(b) is amended in the second sentence by deleting the date "January 1, 1986" and substituting "July 1, 1986".

Sec. 3. G.S. 143B-470.4(c) is amended in the first sentence by deleting the date "May 1, 1985" and substituting "January 1, 1986".

Sec. 4. G.S. 143B-470.4(c) is amended in the third sentence by deleting the date "October 1, 1985" and substituting "January 1, 1986".

Sec. 5. G.S. 143B-470.4(b) is amended in the sixth sentence by deleting "June 1, 1986", and substituting "January 1, 1987".

Sec. 5.1. G.S. 143B-470.4(b) is amended in the second sentence by deleting the words "has been issued", and substituting "is pending which is likely to be granted".

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 1168 **CHAPTER 712**

AN ACT TO PROVIDE FOR LICENSING OF FOREIGN MILITARY SALES AGENTS OF LIFE INSURANCE COMPANIES DOMICILED IN THIS STATE FOR LIFE INSURANCE BUSINESS AT FOREIGN MILITARY INSTALLATIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 58 of the General Statutes is amended by adding after G.S. 58-41.2 a new section to read:

"§ 58-41.2A. *Agent for United States military personnel in foreign countries.*—Notwithstanding any other provision of this Article, a natural person not a resident of this State may be licensed by the Commissioner as a foreign military sales agent to represent a life insurance company domiciled in this State, provided the agent represents the insurance company only in a foreign country or territory and either on a United States military installation or with United States military personnel. The Commissioner may, upon request of the insurance company on application forms furnished by the Commissioner and upon payment of the fee specified in G.S. 105-228.7, issue to the applicant a restricted license which will be valid only for the representation of the insurance company in a foreign country or territory and either on a United States military installation or with United States military personnel. The insurance company shall certify to the Commissioner that the applicant has the necessary training to hold himself out as a life insurance agent, and that the insurance company is willing to be bound by the acts of the applicant within the scope of his employment. A restricted license issued under this section shall be renewed annually as provided in G.S. 58-40."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 655 **CHAPTER 713**

AN ACT TO MODIFY THE MOUNTAIN RIDGE PROTECTION ACT OF 1983 IN CITIES OF 50,000 OR MORE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113A-206(6) is amended by adding immediately after the words "that a county" the words ", or a city with a population of fifty thousand (50,000) or more,".

Sec. 2. G.S. 113A-208(d) is amended by adding at the end:

"Additionally, a city with a population of 50,000 or more may apply the ordinance to other mountain ridges within its extraterritorial planning jurisdiction if it finds that this application is reasonably necessary to protect against some or all of the hazards or problems set forth in G.S. 113A-207".

Sec. 3. G.S. 113A-212 is amended by adding a new subsection to read:

"(b1) By January 1, 1986, a map, drawing, or document tentatively identifying the protected mountain ridge crests of each city with a population of fifty thousand (50,000) or more that has eliminated the requirement for a minimum elevation of 3,000 feet, shall be filed by the Secretary of Natural Resources and Community Development with the board of county commissioners and with the city governing body. By March 1, 1986, the map, drawing, or document identifying the protected mountain ridge crests in the city with a population of fifty thousand (50,000) or more shall be permanently filed by the Secretary with the register of deeds in the county where the land within that city with a population of fifty thousand (50,000) or more lies, and shall be made available for inspection at the Secretary's office in Raleigh. Copies of the maps, drawings, or documents certified by the register of deeds shall be admitted in evidence in all courts and shall have the same force and effect as would the original."

Sec. 4. G.S. 113A-208(a) is amended by adding at the end:

"A city with a population of 50,000 or more may adopt, prior to January 1, 1986, an ordinance eliminating the requirement for an elevation of 3,000 feet, as permitted by G.S. 113A-206(6)."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 625 **CHAPTER 714**

AN ACT CONCERNING DURHAM CITY CONTRACTS FOR ADDITIONAL FACILITY CAPACITY.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to the Durham City Charter, being Chapter 671, Session Laws of 1975, to read:

"Sec. 84.2. *Contracts for Additional Facility Capacity.*—When any person, firm or corporation proposes to construct and dedicate to public use any street, sidewalk, water system, sewage collection and disposal system, or storm sewer and drainage system, or any part of any of the foregoing facilities, the city may contract with, and appropriate money to, any such person, firm or corporation for the purpose of constructing a facility of a greater length, width, capacity or quality than that which is proposed to be constructed. The city may establish policies to provide for the reimbursement of any person, firm or corporation for the construction of such greater length, width, capacity or quality of such facility. The provisions of Article 8 of Chapter 143 of the North Carolina General Statutes shall not apply to a contract or reimbursement made pursuant

to this section. The authority granted by this section is in addition to and not in derogation of any other authority granted to the city by this Charter or any other law."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 624 **CHAPTER 715**

AN ACT TO EXTEND DURHAM'S FAIR HOUSING ORDINANCE TO DISCRIMINATION BASED ON AGE OR HANDICAP.

The General Assembly of North Carolina enacts:

Section 1. Chapter VIII of the Charter of the City of Durham, being Chapter 671, Session Laws of 1975, is amended as follows:

(1) In Section 121 by rewriting the first sentence of that section to read:

"The City Council may adopt ordinances prohibiting discrimination on the basis of race, color, sex, religion, national origin, age, or handicap in real estate transactions."; and

(2) In Section 122 by deleting the phrase "or sex" and substituting the phrase ", sex, age, or handicap".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.B. 459 **CHAPTER 716**

AN ACT TO ALLOW THE CITY OF DURHAM TO ESTABLISH OVERLAY ZONES.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to the Durham City Charter, being Chapter 671, Session Laws of 1975, to read:

"Sec. 94.1. *Overlay zones.* In exercising the authority conferred upon cities by G.S. 160A-381 and G.S. 160A-382, the City Council may establish zoning districts which overlay other zoning districts."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

S.B. 106 **CHAPTER 717**

AN ACT TO AUTHORIZE APPEAL OF PERSONNEL COMMISSION DECISIONS AWARDING ATTORNEY FEES IN GRIEVANCE PROCEEDINGS.

The General Assembly of North Carolina enacts:

Section 1. Article 8 of Chapter 126 of the General Statutes is amended by adding a new section to read:

"§ 126-41. *Attorney and witness fees.*—The decision of the Commission assessing or refusing to assess reasonable witness fees or a reasonable attorney's fee as provided in G.S. 126-4(11) is a final agency decision appealable under Article 4 of Chapter 150A of the General Statutes. In addition to the grounds set out in G.S. 150A-51, the reviewing court may reverse or modify the decision of the Commission if the decision is unreasonable or the award is inadequate. The reviewing court shall award court costs and a reasonable attorney's fee for representation in connection with the appeal to an employee who obtains a reversal or modification of the Commission's decision in an appeal under this section."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

S.B. 319 **CHAPTER 718**

AN ACT TO PERMIT THE DIVISION OF SERVICES FOR THE BLIND OF THE DEPARTMENT OF HUMAN RESOURCES TO OPERATE VENDING MACHINES ON INTERSTATE HIGHWAYS AND CONTROLLED-ACCESS HIGHWAYS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-18(9) is amended by deleting the last sentence of that subdivision and by substituting:

"None of the roadside parks, picnic areas, picnic tables, scenic overlooks or other turnouts, or any part of the highway right-of-way shall be used for commercial purposes except for vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind, Department of Human Resources, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed. Every other use or attempted use of any of these areas for commercial purposes shall constitute a misdemeanor and each day's use shall constitute a separate offense."

Sec. 2. The first sentence of G.S. 136-89.56 is amended by adding immediately after the words "as defined in this Article" the words: ", except for vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind, Department of Human Resources, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5))".

Sec. 3. G.S. 136-89.56 is amended by adding a new sentence immediately after the first sentence to read: "The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed."

Sec. 4. This act shall be set up as a pilot program at six sites statewide; two (2) sites shall be North Carolina Welcome Centers and four (4) sites shall be rest stops.

Sec. 5. The Department of Human Resources, Division of Services for the Blind, shall report on the implementation and operation of the pilot program to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division no later than May 1, 1986.

Sec. 6. This act is effective upon ratification and shall expire on June 30, 1987.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

S.B. 633 **CHAPTER 719**

AN ACT TO PROVIDE FOR A UNIFORM PREMIUM TAX STRUCTURE FOR INSURANCE COMPANIES.

Whereas, State regulation of the insurance industry engaged in business in North Carolina is essential to the welfare of the citizens of North Carolina; and

Whereas, the solvency and reliability of insurance companies are more ascertainable and the interests of the policyholders of this State are better protected where access to records of insurance companies may be obtained expeditiously and economically; and

Whereas, insurance companies with their corporate headquarters or principal place of business in this State are able to provide better and more responsive services to North Carolina policyholders due to the greater accessibility of records, offices and personnel; and

Whereas, it is in the public interest to broaden the economic base of this State, to encourage investment in this State and to enhance the economic and financial climate of this State; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-228.5 is amended by rewriting the sixth through the 12th paragraphs of that section, which begin with the words "On the basis" and end with the words "each subsequent year", to read:

"The tax rates on gross premiums are as follows:

(1) At the rate of four percent (4%) on amounts collected on contracts applicable to liabilities under the Workers' Compensation Act;

(2) At the rate of two and one-half percent (2 ½%) on amounts collected on annuities and all other insurance contracts issued by insurers; and

(3) At the rate of one percent (1%), in addition to the tax in subdivision (2), on amounts collected on insurance contracts for fire and lightning coverage, excluding amounts collected on marine or automobile policies.

If an insurance company has its corporate headquarters or principal place of business in this State, then the following credits may be applied to the premium tax imposed by this section:

(1) A credit of two and four-tenths percent (2.4%) of the gross amount of the premiums collected on contracts applicable to liabilities under the Workers' Compensation Act;

(2) A credit of one percent (1%) of the gross amount of the premiums collected on annuities and contracts of insurance issued by life insurance companies; and

(3) A credit of one and one-half percent (1 ½%) of the gross amount of the premiums collected on all other contracts of insurance."

Sec. 2. G.S. 105-228.5 is further amended by inserting between the words "specified" and "or" in the next to the last paragraph of that section the phrase ", to corporations organized under Chapter 57,".

Sec. 3. The Legislative Research Commission is authorized to study the premium tax rate for all insurance companies doing business in North Carolina. The Legislative Research Commission may make an interim report, including recommendations, to the 1986 Regular Session of the 1985 General Assembly and may make a final report to the 1987 General Assembly.

Sec. 4. This act is effective for taxable years beginning on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 397 **CHAPTER 720**

AN ACT TO PROVIDE AN INCOME TAX DEDUCTION FOR MARKETING ASSESSMENTS ON TOBACCO GROWN IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-130.5(b) is amended by adding a new subdivision to read:

"(15) The amount paid during the income year, pursuant to 7 U.S.C. § 1445-2, as marketing assessments on tobacco stored by the corporation in North Carolina."

Sec. 2. G.S. 105-147(1) is amended by adding a new paragraph at the end of that subdivision to read:

"i. As to a tobacco producer, the amount paid during the income year, pursuant to 7 U.S.C. § 1445-2, as marketing assessments on tobacco grown by that producer in North Carolina."

Sec. 3. This act is effective for taxable years beginning on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 442 **CHAPTER 721**

AN ACT TO PERMIT THE CITY OF ASHEVILLE TO PARTICIPATE IN DOWNTOWN DEVELOPMENT PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. *Downtown development projects.* (a) Definition. In this section, "downtown development project" means a capital project in that portion of the City's central business district, as defined in subsection (h)

of this section, comprising one or more buildings and including both public and private facilities. By way of illustration but not limitation, such a project might include a single building comprising a publicly owned parking structure and publicly owned convention center and a privately owned hotel or office building.

(b) Authorization. If the City Council finds that it is likely to have a significant effect on the revitalization of the central business district, the City may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of a downtown development project or of specific facilities within such a project. The City may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating such a project. Such a contract may, among other provisions, specify the following:

(1) the property interests of both the City and the developer or developers in the project;

(2) the responsibilities of the City and the developer or developers for construction of the project;

(3) the responsibilities of the City and the developer or developers with respect to financing the project.

Such a contract may be entered into before the acquisition of any real property necessary to the project.

(c) Property acquisition. A downtown development project may be constructed on property acquired by the developer or developers, on property directly acquired by the City, or on property acquired by the City while exercising the powers, duties, and responsibilities of a redevelopment commission pursuant to G.S. 160A-505 or G.S. 160A-456.

(d) Property disposition. In connection with a downtown development project, the City may convey interests in property owned by it, including air rights over public facilities, as follows:

(1) If the property was acquired while the city was exercising the powers, duties, and responsibilities of a redevelopment commission, the City may convey property interests pursuant to the "Urban Redevelopment Law" or any local modification thereof.

(2) If the property was acquired by the City directly, the City may convey property interests pursuant to G.S. 160A-457 and any local modification thereof. Except for local modifications, Article 12, Chapter 160A of the General Statutes does not apply to such dispositions.

(e) Construction of the project. The contract between the City and the developer or developers may provide that the developer or developers shall be responsible for construction of the entire downtown development project. If so, the contract shall include such provisions as the City Council deems sufficient to assure that the public facility or facilities included in the project meet the needs of the City and are constructed at a reasonable price. A project constructed pursuant to this paragraph is not subject to Article 8, Chapter 143 of the General Statutes.

(f) Operation. The City may contract for the operation of any public facility or facilities included in a downtown redevelopment project by a person, partnership, firm or corporation, public or private. Such a contract

shall include provisions sufficient to assure that any such facility or facilities are operated for the benefit of the citizens of the City.

(g) Grant funds. To assist in the financing of its share of a downtown project, the City may apply for, accept and expend grant funds from the federal or State governments.

(h) As used in this section, the term "central business district" means the following area: That area bounded by Patton Avenue and College Street on the South, Haywood Street from College Street to Battery Park Avenue and Battery Park Avenue from Haywood Street to Otis Street and Otis Street from Battery Park Avenue to Patton Avenue.

Sec. 2. This act applies to the City of Asheville only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 588 **CHAPTER 722**

AN ACT TO PERMIT THE TAKING OF FOXES IN BLADEN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, there is an open season for taking foxes with weapons from December 1 through January 1 of each year.

Sec. 2. Notwithstanding any other provision of law, there is an open season for taking foxes by trapping from January 2 through January 31 of each year. During this season, all leghold traps set on dry land with solid anchor shall have at least three swivels in the trap chain and no leghold traps larger than size one and one-half may be used.

Sec. 3. A season bag limit of ten applies in the aggregate to all foxes taken during the weapons and trapping seasons established in this act.

Sec. 4. The Wildlife Resources Commission shall provide for the sale of foxes taken lawfully pursuant to this act.

Sec. 5. This act applies only to Bladen County.

Sec. 6. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 1201 **CHAPTER 723**

AN ACT CONCERNING UNIFORM BOND PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 159-123 is amended by adding the following subsections at the end:

"(e) The issuing unit shall have the authority, subject to approval by the Commission, to select and retain the financial consultants, underwriters and bond attorneys to be associated with the bond issue. If the issuing unit shall affirmatively find that the underwriter, financial consultant or bond attorney selected and retained has adequately provided, in similar financial transactions, services of a nature and sophistication

comparable to those required for the issuance and sale of the bonds in question and possesses the expertise necessary to perform the services required, approval of a financial consultant, underwriter or bond attorney shall not be withheld by the Commission solely for the reason that the underwriter, financial consultant or bond attorney has not had prior experience in the issuance and sale of a particular type, class or size of bond issue for which the underwriter, financial consultant or bond attorney is retained.

(f) The Commission shall not reject an application for approval of a bond issue because of the issuing units' selection of financial consultants, underwriters or bond attorneys so long as the selection is made in accordance with G.S. 159-123(e). Nothing herein shall limit or otherwise modify the role or powers of the Commission and its staff to review, approve, sell or participate in the sale of bonds pursuant to this Article."

Sec. 2. G.S. 159-83(14) is amended by deleting the period at the end and by adding the following language:

"and to select and retain subject to approval of the Local Government Commission the financial consultants, underwriters and bond attorneys to be associated with the issuance of any bonds and to pay for services rendered by underwriters, financial consultants or bond attorneys out of the proceeds of any such issue with regard to which the services were performed."

Sec. 3. G.S. 159B-11(19), 159C-5(12), and 159D-5(12), are amended by deleting "; and " and by adding the following language:

"and to select and retain subject to approval of the Local Government Commission the financial consultants, underwriters and bond attorneys to be associated with the issuance of any bonds and to pay for services rendered by underwriters, financial consultants or bond attorneys out of the proceeds of any such issue with regard to which the services were performed; and".

Sec. 4. G.S. 131A-4(10) is amended by inserting before the semicolon the following language:

"and to select and retain subject to approval of the Local Government Commission the financial consultants, underwriters and bond attorneys to be associated with the issuance of any bonds and to pay for services rendered by underwriters, financial consultants or bond attorneys out of the proceeds of any such issue with regard to which the services were performed".

Sec. 5. G.S. 122A-8.1 is amended by changing the period to a semicolon at the end of paragraph 4 after the word "issue" and by adding the following language:

"provided, at least annually, the Treasurer shall seek the written recommendations of the Housing Finance Agency; and, subsequent to each bond issue, the Treasurer shall conduct a formal performance evaluation of the financial consultants, underwriters and bond attorneys which shall be open to public inspection."

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 1417 **CHAPTER 724**

AN ACT TO ALLOW COUNTIES IN CREATING FIRE PROTECTION SERVICE DISTRICTS TO LIMIT THE TAX RATE IN THAT DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. Article 16 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-309.2. *Rate limitation in certain districts.*—(a) In connection with the establishment of a service district for fire protection as provided by G.S. 153A-301(2), if the board of commissioners adopts a resolution within 90 days prior to the public hearing required by G.S. 153A-302(c) but prior to the first publication of notice required by subsection (b) of this section, which resolution states that property taxes within a district may not be levied in excess of a rate of fifteen cents (15¢) on each one hundred dollars ($100.00) of property subject to taxation, then property taxes may not be levied in that service district in excess of that rate.

(b) Whenever a service district is established under this section, instead of the procedures for hearing and notice under G.S. 153A-302(c), the board of commissioners shall hold a public hearing before adopting any resolution defining a new service district under this section. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by G.S. 153A-302(b) is available for public inspection in the office of the clerk to the board. The notice shall be published at least twice, with one publication not less than two weeks before the hearing, and the other publication on some other day not less than two weeks before the hearing."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 1406 **CHAPTER 725**

AN ACT AUTHORIZING THE TOWN OF SUNSET BEACH, BRUNSWICK COUNTY, TO ASSESS FOR NAVIGATION PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. The catch line of G.S. 160A-238 is rewritten to read: "*Authority to make assessments for beach erosion control, flood and hurricane protection works, and navigation projects.*"

Sec. 2. The first sentence of G.S. 160A-238 is rewritten to read: "A city may make special assessments, according to the procedures of this Article, against benefited property within the city for all or part of the costs of acquiring, constructing, reconstructing, extending, or otherwise building or improving beach erosion control, flood or hurricane protection works, or navigation projects, including dredging and bulkheading canals."

Sec. 3. This act applies to the Town of Sunset Beach only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 1419 **CHAPTER 726**

AN ACT TO GRANT THE NEW HANOVER COUNTY BOARD OF COMMISSIONERS THE POWER TO COMPROMISE ROOM OCCUPANCY TAX PENALTIES.

The General Assembly of North Carolina enacts:

Section 1. Section 33 of Chapter 908 of the 1983 Session Laws is amended by adding a new subsection to read:

"(e) In the event that a penalty or additional tax as a penalty is imposed upon or added to the tax levied under this Part, as prescribed in subsections (b) and (c) above, the Board of Commissioners of New Hanover County, upon petition of the taxpayer or his agent, may compromise, settle, or adjust the county's claim for the penalties imposed."

Sec. 2. This act applies only to New Hanover County.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 1422 **CHAPTER 727**

AN ACT TO AMEND THE DURHAM CITY CHARTER TO PROVIDE FOR URBAN DEVELOPMENT PROJECTS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671, Session Laws of 1975, is amended by adding a new section to read:

"Sec. 108.1. *Urban Development Projects.* (a) Definition. The term 'urban development project' means a capital project comprising one or more buildings or other improvements in which part of the project is privately owned and part is publicly owned. By way of illustration but not limitation, such a project might include a publicly owned parking structure, a publicly owned convention center and a privately owned hotel and/or office building.

(b) Authorization. The city may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of an urban development project or of specific facilities within such a project, including the making of loans and grants from any monies lawfully available therefor.

The city may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating such a project. Such a contract may specify the following:

(1) The property interests of both the city and the developer or developers in the project.

(2) The responsibilities of the city and the developer or developers for construction of the project.

(3) The responsibilities of the city and the developer or developers with respect to financing the project.

Such a contract may be entered into before the acquisition of any real property necessary to the project.

(c) Property Acquisition. An urban development project may be constructed on property acquired by the developer or developers, on property acquired by the city or on property acquired jointly by the city and the developer or developers.

(d) Property Disposition. The city may lease or convey interests in urban development project property or other property owned by it, including air rights over public facilities.

(e) Construction of the Project. The contract between the city and the developer or developers may provide that the developer or developers shall be responsible for construction of the entire urban development project. If so, the contract shall include such provisions as the city council deems sufficient to assure that the public facility or facilities included in the project are constructed at a reasonable price and the provisions of Article 8 of Chapter 143 of the North Carolina General Statutes shall not apply to such project.

(f) Operation. The city may contract for the operation of any public facility or facilities included in an urban development project by any person, partnership, firm, or corporation, public or private.

(g) Financing. To assist in the financing of its share of an urban development project, the city may apply for, accept and expend funds from the federal or State government or from any other lawful source.

(h) The authority granted by this section is in addition to and not in derogation of any other authority granted to the city by law. The city may exercise any authority granted to it by any other section of this charter or by local act or general law in furtherance of an urban development project. By way of illustration but not limitation, the city may exercise the following authority in furtherance of an urban development project:

(1) The authority granted by Section 86 of this charter with respect to the public or private sale, lease, rent, exchange or other conveyance of property.

(2) The authority granted by Section 8 of this charter with respect to contracts with, and appropriation of money to, persons, associations or corporations for the accomplishment of public purposes.

(3) The authority granted by Section 112 of this charter with respect to the installation and rental of storerooms, restaurants, observation decks, heliports and other facilities in and upon certain specified public facilities."

Sec. 2. A new section is added to the Charter of the City of Durham, being Chapter 671, Session Laws of 1975, to read:

"Section 114.1. *Drainage.* The City may provide for drainage projects.

The city may provide for drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or to improve drainage facilities. The authority contained in this section is in addition to any authority contained in Chapter 156 of the General Statutes."

Sec. 3. A new section is added to the Charter of the City of Durham, being Chapter 671, Session Laws of 1975, to read:

"Section 59.1. *Public records.* In enacting ordinances regulating toxic or hazardous substances, the city council may provide procedures for evaluating claims to 'trade secret' protection and maintaining the confidentiality of any 'trade secret' disclosed to the City pursuant to any such ordinance as an exception to the public records disclosure and inspection provisions otherwise provided by Chapter 132 of the General Statutes."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 155 **CHAPTER 728**

AN ACT TO AMEND THE WELL CONSTRUCTION ACT, G.S. 87-83 *ET SEQ.*, TO PROVIDE FOR CIVIL PENALTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 87-92 is rewritten to read as follows:

"§ 87-92. *Hearings; appeals.*—Any person wishing to contest a penalty, permit decision, or other order issued under this Article shall be entitled to an administrative hearing and judicial review conducted according to the procedures established in Article 3 and Article 4 of Chapter 150A of the General Statutes."

Sec. 2. G.S. 87-93 is hereby repealed.

Sec. 3. G.S. 87-94 is rewritten to read as follows:

"Civil Penalties.

(1) Any person who violates, on or after the effective date of this act, any provision of this Article, or any order issued pursuant thereto, or any adopted regulation promulgated thereunder, shall be subject to an administrative, civil penalty of not more than one hundred dollars ($100.00) for each violation, as determined by the Environmental Management Commission. Each day of a continuing violation shall be considered a separate offense. No person shall be subject to a penalty who did not directly commit the violation or cause it to be committed.

(2) No penalty shall be assessed until the person alleged to be in violation has been:

a. notified of the violation in accordance with the notice provisions set out in G.S. 87-91(a),

b. informed by said notice of remedial action, which if taken within 30 days from receipt of the notice, will effect compliance with this Article and the regulations under it, and

c. warned by said notice that a civil penalty can be assessed for failure to comply within the specified time.

(3) In determining the amount of the penalty, the Commission shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by his compliance, whether or not the violation was

committed willfully, and the prior record of the violator in complying or failing to comply with this Article.

(4) Any person assessed shall be notified of the assessment by registered or certified mail, or other means calculated to provide actual notice, and the notice shall specify the reasons for the assessment. If the person assessed fails to pay the amount of the assessment to the Department of Natural Resources and Community Development, or fails to request an administrative hearing to contest such assessment, within 30 days after receipt of notice, the Commission may request the Attorney General to institute a civil action to recover the amount of the assessment in the superior court of the county in which the person assessed resides or has his or its principal place of business or in which the well is located."

Sec. 4. G.S. 87-87 is amended as follows:

(1) by deleting the word "and" at the end of subdivision (3);

(2) by deleting the period at the end of the subdivision (4) and substituting "; and"; and

(3) by adding a new subdivision (5) to read:

"(5) Neither adopt nor enforce any rule or regulation that concerns the civil liability of an owner to a well driller for any costs or expenses of drilling and installing a well for the owner."

Sec. 5. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 1380 CHAPTER 729

AN ACT TO ENHANCE THE PENSION AND RETIREMENT BENEFITS FOR LOCAL LAW OFFICERS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended by the addition of the following new Article:

"ARTICLE 12G.
"Sheriffs' Supplemental Pension Fund Act of 1985.

"§ 143-168. *Short title and purpose.*—(a) This Article shall be known and may be cited as the 'Sheriffs' Supplemental Pension Fund Act of 1985'.

(b) The purpose of this Article is to create a pension fund to supplement local government retirement benefits which will attract the most highly qualified talent available within the State to the position of sheriff and to fully recognize that sheriffs are constitutional officers elected by the people and are also officers of the court enforcing the laws of the State of North Carolina.

"§ 143-168.1. *Scope.*—(a) This Article provides supplemental pension benefits for all county sheriffs who are retired from the Local Governmental Employees' Retirement System or an equivalent locally sponsored plan as herein described.

(b) The North Carolina Department of Justice shall administer the provisions of this Article.

(c) The provisions of this Article shall be subject to future legislative change or revision, and no person is deemed to have acquired any vested right to a pension payment provided by this Article.

"§ 143-168.2. *Assets.*—(a) On and after July 1, 1985, each Clerk of Superior Court shall remit to the Department of Justice the monthly receipts collected pursuant to G.S. 7A-304(a)(3A) to be deposited to the credit of the Sheriffs' Supplemental Pension Fund, hereinafter referred to as the Fund, to be used in making monthly pension payments to eligible retired sheriffs under the provisions of this Article and to pay the cost of administering the provisions of this Article.

(b) The State Treasurer shall be the custodian of the Sheriffs' Supplemental Pension Fund and shall invest its assets in accordance with the provisions of G.S. 147-69.2 and G.S. 147-69.3.

"§ 143-168.3. *Disbursements.*—(a) Immediately following July 1, 1986, and immediately following the first of July of each fiscal year thereafter, the Department of Justice shall divide an amount equal to ninety percent (90%) of the assets of the Fund at the end of the preceding fiscal year into equal shares and disburse the same as monthly pension payments in accordance with this Article. The remaining ten percent (10%) of the Fund's assets at the end of the preceding fiscal year may be used by the Department of Justice in administering the provisions of this Article.

(b) All of the Fund's disbursements shall be conducted in the same manner as disbursements are conducted for other special funds of the State.

(c) If, for any reason, the Fund shall be insufficient to pay any pension benefits or other charges, then all benefits or payments shall be reduced pro rata for as long as the deficiency in amount exists. No claim shall accrue with respect to any amount by which a pension payment shall have been reduced.

"§ 143-168.4. *Eligibility.*—(a) Each elected county sheriff who has retired from the Local Governmental Employees' Retirement System or an equivalent locally sponsored plan on and before June 30, 1986, and who has attained the age of 55 years and who has completed at least 10 years of eligible service as an elected sheriff is entitled to receive a monthly pension under this Article, beginning July 1, 1986. Eligible service shall only mean service for which a sheriff has been elected and shall not include service as an appointed sheriff or any other appointed or elected service.

(b) Subsequent to June 30, 1986, each eligible retired sheriff as defined in subsection (a) of this section on June 30 of each fiscal year shall be entitled to receive a monthly pension under this Article beginning the first of the following fiscal year.

"§ 143-168.5. *Benefits.*—(a) An eligible retired sheriff shall be entitled to and receive an annual pension benefit, payable in equal monthly installments, equal to one share for each full year of eligible service as an elected sheriff multiplied by his total number of years of eligible service. The amount of each share shall be determined by dividing the total number of years of eligible service for all eligible retired sheriffs on

June 30 of each fiscal year into the amount to be disbursed as monthly pension payments in accordance with the provisions of G.S. 143-168.3(a). In no event however shall a monthly pension under this Article exceed an amount, which when added to a retirement allowance from the Local Governmental Employees' Retirement System or an equivalent locally sponsored plan, is greater than seventy-five percent (75%) of a sheriff's equivalent annual salary immediately preceding retirement computed on the latest monthly base rate, to a maximum amount of one thousand dollars ($1,000).

(b) All monthly pensions payable under this Article shall be paid on the last business day of each month.

(c) Monthly pensions payable under this Article will cease at the death of the pensioner and no payment will be made to any beneficiaries or to the decedent's estate.

(d) Monthly pensions payable under this Article will cease upon the full-time reemployment of a pensioner with an employer participating in the Local Governmental Employees' Retirement System for as long as the pensioner is so reemployed.

(e) Pensions paid under the provisions of this Article shall be exempt from North Carolina income tax.

(f) Nothing contained in this Article shall preclude or in any way affect the benefits that a pensioner may be entitled to from any state, federal or private pension, retirement or other deferred compensation plan."

Sec. 2. Effective July 1, 1985, G.S. 7A-304(a) is amended by adding a new subsection (3A) to read:

"(3A) For the supplemental pension benefits of sheriffs, the sum of seventy-five cents (75¢), to be remitted to the Department of Justice and administered under the provisions of Article 12G of Chapter 143 of the General Statutes."

Sec. 3. G.S. 7A-304(a)(3) is rewritten to read:

"(3) For the retirement and insurance benefits of both State and local governmental law enforcement officers, the sum of four dollars and twenty-five cents ($4.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum shall be administered as is provided in Article 12C of Chapter 143 of the General Statutes. Two dollars and seventy-five cents ($2.75) of this sum shall be administered as is provided in Article 12E of Chapter 143 of the General Statutes, with one dollar and twenty-five cents ($1.25) being administered in accordance with the provisions of G.S. 143-166.50(e). One dollar ($1.00) of this sum shall be administered as is provided in Article 12F of Chapter 143 of the General Statutes."

Sec. 4. Effective July 1, 1985, G.S. 7A-304(b) is amended in the fourth line by inserting the words "and the Sheriffs' Supplemental Pension Fund" between the words "Fund" and "shall".

Sec. 5. There is appropriated from the General Fund to the Department of Justice the sum of five thousand dollars ($5,000) for fiscal year 1985-86 as start-up cost.

Sec. 6. Effective January 1, 1986, G.S. 143-166.50(d) is amended in the first sentence by inserting between the words "Article" and "shall" the phrase ", except for the amount designated for the provisions of G.S. 143-166.50(e),".

Sec. 7. Effective January 1, 1986, G.S. 143-166.50(e) is amended by adding a new sentence at the end to read:

"Additional contributions shall also be made to the individual accounts of all participants in the Plan, except for Sheriffs, on a per capita equal-share basis from the sum of one dollar and twenty-five cents ($1.25) for each cost of court collected under G.S. 7A-304."

Sec. 8. This act shall become effective upon ratification unless otherwise stated. The increase in court costs established by Section 2 and 3 of this act shall apply to offenses committed on and after the effective date of this act.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 1329 CHAPTER 730

AN ACT TO ALLOW THE FRIENDS OF ELIZABETH II, INC., TO OPERATE VENDING MACHINES ON THE SITE GROUNDS OF THE ELIZABETH II.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article III of Chapter 111 of the General Statutes, with the approval of the Department of Cultural Resources, the Friends of Elizabeth II, Incorporated, may operate vending machines on the site grounds of the Elizabeth II.

Sec. 2. Eighty percent (80%) of the profits from activities authorized by Section 1 of this act shall be used to support the Elizabeth II, the ship's boat, and related activities. The remainder of the profits shall be used for the activities of the Roanoke Voyages and Elizabeth II Commission.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 143 CHAPTER 731

AN ACT TO AMEND CERTAIN OBSCENITY STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-202.10 is rewritten to read:

"§ 14-202.10. *Definitions.*—As used in this Article:

(1) 'Adult bookstore' means a bookstore:

a. which receives a majority of its gross income during any calendar month from the sale of publications (including books, magazines, and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or

b. having as a preponderance of its publications books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to

specified sexual activities or specified anatomical areas, as defined in this section.

(2) 'Adult establishment' means an adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult live entertainment business, or massage business as defined in this section.

(3) 'Adult live entertainment' means any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section.

(4) 'Adult live entertainment business' means any establishment or business wherein adult live entertainment is shown for observation by patrons.

(5) 'Adult motion picture theatre' means an enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein. 'Adult motion picture theatre' does not include any adult mini motion picture theatre as defined in this section.

(6) 'Adult mini motion picture theatre' means an enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.

(7) 'Massage' means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

(8) 'Massage business' means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors.

(9) 'Sexually oriented devices' means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

(10) 'Specified anatomical areas' means:

a. less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately above the top of the areola; or

b. human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(11) 'Specified sexual activities' means:

a. human genitals in a state of sexual stimulation or arousal;

b. acts of human masturbation, sexual intercourse or sodomy; or

c. fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts."

Sec. 2. G.S. 14-202.11 is rewritten to read:

"§ 14-202.11. *Restrictions as to adult establishments.*—No person shall permit any building, premises, structure, or other facility that contains any adult establishment to contain any other kind of adult establishment. No person shall permit any building, premises, structure, or other facility

in which sexually oriented devices are sold, distributed, exhibited, or contained to contain any adult establishment.

No person shall permit any viewing booth in an adult mini motion picture theatre to be occupied by more than one person at any time."

Sec. 3. G.S. 14-202.12 is amended by adding a new sentence at the end to read:

"As used herein, 'person' shall include:

(1) the agent in charge of the building, premises, structure or facility; or

(2) the owner of the building, premises, structure or facility when such owner knew or reasonably should have known the nature of the business located therein, and such owner refused to cooperate with the public officials in reasonable measures designed to terminate the proscribed use; provided, however, that if there is an agent in charge, and if the owner did not have actual knowledge, the owner shall not be prosecuted; or

(3) the owner of the business; or

(4) the manager of the business."

Sec. 4. If any provisions of this act or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 1102 CHAPTER 732

AN ACT TO AUTHORIZE AN EXECUTIVE ADMINISTRATOR FOR THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, AND TO MAKE TECHNICAL AMENDMENTS TO THE PLAN.

The General Assembly of North Carolina enacts:

Section 1. Section 16 of Chapter 192, Session Laws of 1985 is amended by deleting "G.S. 135-40.8(a)", and substituting "G.S. 135-40.6(7)d."

Sec. 2. Effective August 1, 1985, G.S. 135-39(f) is amended by deleting "two hundred dollars ($200.00) per day", and substituting "one hundred dollars ($100.00) per day".

Sec. 3. G.S. 135-39(b) is amended by adding the following at the end:

"The member appointed by the Governor to serve a term beginning July 1, 1985, shall be an employee enrolled in the Plan. Any successor to such member shall also be an employee enrolled in the Plan."

Sec. 4. G.S. 135-39(c) is amended by adding the following at the end:

"One of the members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives may be a retired employee enrolled in the Plan."

Sec. 5. G.S. 135-39(d) is amended by adding the following at the end:

"One of the members appointed by the General Assembly upon the recommendation of the President of the Senate for a term beginning July 1, 1985, shall be an employee enrolled in the Plan. Any successor to such member shall also be an employee enrolled in the Plan."

Sec. 6. Part 2 of Article 3 of Chapter 135 of the General Statutes is amended by adding a new section to read:

"§ 135-39.3A. *Advisory Committees.*—(a) There is established an Advisory Committee of Plan Participants. The Committee shall consist of nine persons enrolled in the Plan, three appointed by the Governor, three appointed by the Speaker of the House of Representatives, and three appointed by the President of the Senate. Members shall be appointed for two-year terms beginning July 1, 1985, and biennially thereafter. Members shall receive per diem, allowance, and reimbursement of travel expenses under G.S. 138-5 if not State employees, and shall receive travel allowances as provided by G.S. 138-6 if State employees. The Advisory Committee of Plan Participants shall have such advisory functions as are assigned by the Executive Administrator and Board of Trustees.

(b) There is established an Advisory Committee of Plan Providers. The Committee shall consist of nine persons who provide services under the Plan, three appointed by the Governor, three appointed by the Speaker of the House of Representatives, and three appointed by the President of the Senate. Members shall be appointed for two-year terms beginning July 1, 1985, and biennially thereafter. Members shall receive per diem, allowance, and reimbursement of travel expenses under G.S. 138-5 if not State employees, and shall receive travel allowances as provided by G.S. 138-6 if State employees. The Advisory Committee of Plan Providers shall have such advisory functions as are assigned by the Executive Administrator and Board of Trustees."

Sec. 7. G.S. 135-39.5(14) is repealed.

Sec. 8. G.S. 135-39(g) is amended by adding immediately before the period the words ", except for the designated employees and retired employee appointed under subsections (b) through (d) of this section, provided that such designated persons may not serve on the executive committee".

Sec. 9. G.S. 135-39.5(11) is repealed.

Sec. 10. Part 2 of Article 3 of Chapter 135 of the General Statutes is amended by adding a new section to read:

"§ 135-39.4A. *Executive Administrator.*—(a) The Plan shall have an Executive Administrator.

(b) The Executive Administrator shall be appointed by the Commissioner of Insurance, upon the advice of the Committee on Employee Hospital and Medical Benefits, for a two-year term beginning July 1, 1985, and biennially thereafter, subject to confirmation by the General Assembly in joint session or by joint resolution or bill. The Commissioner of Insurance shall, except for the initial appointment, submit the name of the nominee to the General Assembly no later than May 1 of each odd-numbered year.

(c) The Executive Administrator may be removed from office by the Commissioner of Insurance.

(d) Whenever a vacancy in the office of Executive Administrator shall occur (including if the initial appointment is not confirmed by the General Assembly before the 1985 Regular Session adjourns until 1986), other than by expiration of term, the Commissioner of Insurance shall, upon the advice of the Committee on Employee Hospital and Medical Benefits, submit a nominee to the General Assembly, for confirmation in joint session or by joint resolution or bill, to serve the remainder of the unexpired term. If there is such a vacancy in the office of Executive Administrator and the General Assembly is not in session, or has adjourned for more than 10 days, the Commissioner of Insurance may, upon the advice of the Committee on Employee Hospital and Medical Benefits, appoint an Executive Administrator to serve on an interim basis until the twentieth day of legislative session after the appointment is made.

(e) Whenever there is a vacancy in the office of Executive Administrator, the Commissioner of Insurance shall be ex officio Executive Administrator until the vacancy is filled in accordance with this section.

(f) The Executive Administrator may employ such clerical and professional staff, and such other assistance as may be necessary to assist the Executive Administrator and the Board of Trustees in carrying out their duties and responsibilities under this Article. The Executive Administrator may also negotiate, renegotiate and execute contracts with third parties in the performance of his duties and responsibilities under this Article; provided any contract negotiations, renegotiations and execution with a Plan Administrator shall be done only after consultation with the Committee on Employee Hospital and Medical Benefits.

(g) The Executive Administrator shall be responsible for:

(1) Cost management programs;
(2) Education and illness prevention programs;
(3) Training programs for Health Benefit Representatives;
(4) Membership functions;
(5) Long-range planning;
(6) Provider and participant relations; and
(7) Communications.

(h) The Executive Administrator shall make reports and recommendations on the Plan to the President of the Senate, the Speaker of the House of Representatives and the Committee on Employee Hospital and Medical Benefits."

Sec. 11. Effective August 1, 1985, G.S. 135-39(f) is amended by deleting "when the Board of Trustees meets or when holding a hearing under G.S. 135-39.7", and substituting "whenever the full Board of Trustees holds a public session", and is further amended by adding the following immediately before the period at the end of the subsection ", except when holding a meeting or hearing where this section does not provide for payment of one hundred dollars ($100.00) per day".

Sec. 12. G.S. 135-40.1 is amended by adding a new subdivision to read:

"(13a) *Plan.* The Teachers' and State Employees' Comprehensive Major Medical Plan."

Sec. 13. Effective July 1, 1985, G.S. 135-40.11(c)(1) is amended in the third line by deleting "six" and substituting "twelve"; in the fifth and eighth lines by deleting "second three" and substituting "remaining nine"; in the fourteenth line by deleting "a second extension of up to three months" and substituting "up to three additional extensions of up to three months each"; and in the sixteenth line by deleting "second extension" and substituting "extensions" and by deleting "the second" and substituting "each".

Sec. 14. Effective January 1, 1983, G.S. 135-40.6(5) is amended by adding a new paragraph to read:

"g. Cleft Palate. Notwithstanding G.S. 135-40.6(6)a and G.S. 135-40.7(11), medical treatment and care needed by an individual born with cleft palate, including specialized dental and orthodontic care necessitated by the congenital condition, provided that the individual was covered at the time of birth by the Plan or the Predecessor Plan."

Sec. 15. Effective January 1, 1986, G.S. 135-40.6(2)f., as added by Section 11 of Chapter 192, Session Laws of 1985 is amended in the second sentence by deleting "Failure", and substituting "Effective July 1, 1986, failure".

Sec. 16. Effective July 1, 1985, the last sentence of G.S. 135-40.5(d) as added by Section 12 of Chapter 192, Session Laws of 1985 is amended by deleting "mastectomy and mammoplasty, surgery on the spinal column and/or nerves,".

Sec. 17. Effective July 1, 1985, G.S. 135-40.5(d) is amended by adding the following at the end: "Second surgical opinions for coronary by-pass surgery may be provided by doctors who are Board-qualified in internal medicine when qualified surgeons are not available to provide a second surgical opinion."

Sec. 18. Effective July 1, 1985, G.S. 135-40.5(d) is amended by adding the following at the end: "The Plan Administrator may waive the requirement for obtaining a second surgical opinion required by this subsection or required by G.S. 135-40.8(b) if the location and availability of surgeons qualified to provide second opinions creates an unjust hardship or if the medical condition of the patient would be adversely affected."

Sec. 19. Effective July 1, 1985, G.S. 135-40.1 is amended by adding a new subdivision to read:

"(7a) Fiscal Year. The period beginning July 1 and ending on June 30 of the succeeding calendar year."

Sec. 20. G.S. 135-40.6(1)r is amended by changing the word "calendar" to "fiscal".

Sec. 21. G.S. 135-40.6(7)d is amended by changing the word "calendar" to "fiscal".

Sec. 22. G.S. 135-40.6(8)c is amended by changing the word "calendar" to "fiscal".

Sec. 23. G.S. 135-39.4(d) is recodified as G.S. 135-39.5(16) and rewritten to read:

"(16) Notwithstanding the provisions of Part 3 of this Article, to formulate and implement cost-containment measures which are not in direct conflict with that Part."

Sec. 24. G.S. 135-39.5 is further amended by adding a new subdivision to read:

"(17) Implementing pilot programs necessary to evaluate proposed cost containment measures which are not in direct conflict with Part 3 of this Article, and expending funds necessary for the implementation of such programs."

Sec. 25. Effective October 1, 1982, G.S. 135-40.1(3)b. is amended by adding the following immediately before the period at the end: "or, the dependent was not covered by the Predecessor Plan at the time the handicap began, but was subsequently covered by the Predecessor Plan and there has been no lapse in coverage since that time".

Sec. 26. G.S. 135-40.1(7) is rewritten to read:

"(7) Enrollment. New employees must enroll themselves and their dependents within 30 days from the date of employment. Coverage may become effective on the first day of the month following date of entry on payroll or on the first day of the following month. New employees not enrolling themselves and their dependents within 30 days, or not adding dependents when first eligible as provided herein may enroll on the first day of any month but will be subject to a 12-month waiting period for preexisting health conditions, except for employees who elect to change their coverage in accordance with rules established by the Executive Administrator and Board of Trustees for optional prepaid hospital and medical benefit plans. Children born to covered employees having coverage type (2), (3), or (5), as outlined in G.S. 135-40.3(d) shall be automatically covered at the time of birth. Children born to covered employees having coverage type (1) shall be automatically covered at birth so long as the Plan Administrator receives notification within 30 days of the date of birth that the employee desires to change from coverage (1) to coverage type (2), (3), or (5), provided that the employee pays any additional premium required by the coverage type selected retroactive to the first day of the month in which the child was born."

Sec. 27. G.S. 135-40.6(5)a. is amended by adding the following sentence at the end: "For the purpose of this subdivision, the term 'standard services and operations' includes the following organ transplants: corneal, bone marrow, and kidney. All other organ transplants shall be considered nonreimbursable under the Plan. Benefits for the above listed organ transplants shall be payable only in accordance with rules established by the Executive Administrator and Board of Trustees."

Sec. 28. G.S. 135-40.6(6) is amended by adding a new subdivision to read:

"i. No benefits are payable for organ transplants not listed in G.S. 135-40.6(5)a, nor will benefits be payable for surgical procedures determined in the opinion of the Plan Administrator to be experimental."

Sec. 29. G.S. 135-40.6(8)e. is amended by adding the following at the end: "For the purposes of this subdivision, the term 'durable medical equipment' means standard equipment normally used in an institutional setting which can withstand repeated use, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of an illness or injury and is appropriate for use in the home. Decisions of the Plan Administrator, the Executive Administrator and

Board of Trustees as to compliance with this definition and coverage under the Plan shall be final."

Sec. 30. G.S. 135-40.12(a) is amended in the first sentence by inserting immediately after the word "Plan" the words "and/or eligibility for group coverage under the Plan".

Sec. 31. Effective October 1, 1985, G.S. 135-40.6(8)f is amended by inserting immediately after the word "accident" at the end of the first paragraph the following: ", nor for appliances for orthodontic treatment when a class of malocclusion, other than orthognathic, or cross bite has been diagnosed. Benefits for temporomandibular joint (TMJ) disfunction appliance therapy are limited to cases where the TMJ disfunction has been diagnosed as solely resulting from accidental means as certified by the attending practitioner and approved by the Plan Administrator".

Sec. 32. Effective October 1, 1985, G.S. 135-40.6(8) is amended by adding a new subdivision to read:

"n. Chiropractic Services: Limited to the alignment of the spine and releasing of pressure by manipulation in accordance with the definitions in G.S. 90-143.1. Maximum benefits for x-rays, manipulations, and modalities shall be one thousand dollars ($1,000) per fiscal year."

Sec. 33. Effective October 1, 1985, G.S. 135-40.6(8) is amended by adding a new subdivision to read:

"o. Podiatry Services: Surgery performed by a podiatrist on or after October 1, 1985, which charges are in excess of three hundred dollars ($300.00) shall require a second opinion by a medical doctor. No benefits shall be paid for such surgery performed on or after that date without such a second opinion."

Sec. 34. G.S. 135-40.11(c) is amended by adding a new subdivision to read:

"(6) Any employee receiving disability salary continuation under a program of benefits established under G.S. 135-34, or an employee on leave of absence without pay due to illness or injury for up to 12 months, is entitled to continued coverage under the Plan for the employee and any eligible dependents by the employee's paying one hundred percent (100%) of the cost."

Sec. 35. G.S. 135-40.6(6) is amended by adding a new subdivision to read:

"i. No benefits are payable for radial keratotomy surgical procedures."

Sec. 36. G.S. 135-40.7A(b) is rewritten to read:

"(b) Notwithstanding any other provisions of this Part, the maximum benefit for each covered individual for treatment for chemical dependency is as follows:

30 consecutive day period	$ 3,000
fiscal year	5,000
lifetime	15,000

Effective October 1, 1985, daily benefits are limited to one hundred dollars ($100.00) per day except for medical detoxification treatment under rules to be established by the Executive Administrator and Board of Trustees. Expenditures incurred before January 1, 1985, shall not count toward the maximum imposed by this subsection."

Sec. 37. G.S. 135-39.5B is rewritten to read:

"§ 135-39.5B. *Prepaid plans.*—The Executive Administrator and Board of Trustees may, after consultation with the Committee on Employee Hospital and Medical Benefits, provide for optional prepaid hospital and medical benefits plans. Benefits offered under such optional plans shall be comparable to those offered under the Plan. The amounts of State funds contributed for such optional plans shall not be more than the amounts contributed for each person eligible under G.S. 135-40.2 on a noncontributory basis, with the person selecting an optional plan paying any excess, if necessary. The provisions of G.S. 57B-11 shall not apply to any optional prepaid hospital and medical benefits plans provided for by the Executive Administrator and Board of Trustees."

Sec. 38. G.S. 135-37 is rewritten to read:

"§ 135-37. *Confidentiality.*—Any information as herein described in this section which is in the possession of the Executive Administrator and the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan or its Plan Administrator under the Teachers' and State Employees' Comprehensive Major Medical Plan shall be confidential and shall be exempt from the provisions of Chapter 132 of the General Statutes or any other provision requiring information and records held by State agencies to be made public or accessible to the public. This section shall apply to all information concerning individuals, including the fact of coverage or noncoverage, whether or not a claim has been filed, medical information, whether or not a claim has been paid, and any other information or materials concerning a Plan Participant. Provided, however, such information may be released to the State Auditor, or to the Attorney General, or to the persons designated under G.S. 135-39.3 in furtherance of their statutory duties and responsibilities, or to such persons or organizations as may be designated and approved by the Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan, but any information so released shall remain confidential as stated above and any party obtaining such information shall assume the same level of responsibility for maintaining such confidentiality as that of the Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan."

Sec. 39. G.S. 135-40.3(a)(3) is rewritten to read:

"(3) Employees not enrolling or adding dependents when first eligible in accordance with G.S. 135-40.1(7) may enroll later on the first of any following month but will be subject to a 12-month waiting period for a preexisting health condition, except employees who elect to change their coverage in accordance with rules adopted by the Executive Administrator and Board of Trustees for optional prepaid hospital and medical benefit plans."

Sec. 40. G.S. 135-40.3(b)(2) is amended by inserting the following immediately before the period at the end: "except as provided in subdivision (a)(3) of this section".

Sec. 41. G.S. 135-40.3(c)(5) is amended by inserting immediately before the period at the end: "except as provided in subdivision (a)(3) of this section".

Sec. 42. Effective June 23, 1982, G.S. 135-39(f) is amended by deleting "a salary of".

Sec. 43. The second sentence of the second paragraph of G.S. 135-39.6(a) is rewritten to read: "Disbursements from the Fund shall include any and all amounts required to pay the benefits and administrative costs of such programs as may be determined by the Executive Administrator and Board of Trustees."

Sec. 44. G.S. 135-40 is amended by adding a new subsection to read:

"(d) Notwithstanding any other provisions of the Plan, the Executive Administrator and Board of Trustees are specifically authorized to use all appropriate means to secure tax qualification of the Plan under any applicable provisions of the Internal Revenue Code of 1954 as amended."

Sec. 45. The second sentence of G.S. 135-38(c) is amended by deleting: "with the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan in connection with the Comprehensive Major Medical Plan, and these two Boards", and substituting, "with the Board of Trustees and the Executive Administrator of the Teachers' and State Employees' Comprehensive Major Medical Plan in connection with the Comprehensive Major Medical Plan, and these two Boards and the Executive Administrator".

Sec. 46. G.S. 135-39.1 is amended by inserting immediately after "Trustees", the words " and the Executive Administrator".

Sec. 47. G.S. 135-39.3 is amended by inserting immediately after "Board of Trustees," the first two times those words appear the words "the Executive Administrator,".

Sec. 48. G.S. 135-39.4(c) is amended by deleting "Board of Trustees" and substituting "Executive Administrator and Board of Trustees", by deleting "the Board" and substituting "the Executive Administrator and Board of Trustees", and by deleting "The Board" and substituting "The Executive Administrator and Board of Trustees".

Sec. 49. G.S. 135.39.4(e) is amended by deleting "Board of Trustees" and substituting "Executive Administrator and Board of Trustees", and by deleting "it may", and substituting "they may".

Sec. 50. G.S. 135-39.5 is amended by deleting "Board of Trustees", and substituting "Executive Administrator and Board of Trustees".

Sec. 51. G.S. 135-39.5A is amended by deleting "Board of Trustees", and substituting "Executive Administrator and Board of Trustees".

Sec. 52. G.S. 135-39.6A is amended by deleting "Board of Trustees", and substituting "Executive Administrator and Board of Trustees", and is amended by inserting immediately after the word "Plan" the words "except as they may be established by the General Assembly in the Current Operations Appropriations Act".

Sec. 53. G.S. 135-39.7 is amended by deleting "Board of Trustees" both times those words appear, and substituting "Executive Administrator and Board of Trustees".

Sec. 54. G.S. 135-39.8 is amended by deleting "Board of Trustees", and substituting "Executive Administrator and Board of Trustees", and by adding the following at the end of the section "Rules and regulations of the Board of Trustees shall remain in effect until amended or repealed by the Executive Administrator and Board of Trustees."

Sec. 55. G.S. 135-39.9(a) and (c) are amended by deleting "Board of Trustees" each time those words appear, and substituting "Executive Administrator and Board of Trustees".

Sec. 55.1. G.S. 135-39.9(b) is repealed.

Sec. 56. G.S. 135-40.12 is amended by deleting "Board of Trustees" each time those words appear, and substituting "Executive Administrator and Board of Trustees", and by deleting "its sole discretion", and substituting "their sole discretion".

Sec. 57. Part 2 of Article 3 of Chapter 135 of the General Statutes is amended by adding a new section to read:

"§ 135-39.10. *Meaning of 'Executive Administrator and Board of Trustees'.*—Whenever in this Article the words 'Executive Administrator and Board of Trustees' appear, they mean that the Executive Administrator shall have the power, duty, right, responsibility, privilege or other function mentioned, after consulting with the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan, or its Executive Committee."

Sec. 58. Sections 20, 21, 22, and 36 of this act provide for certain limitations to be imposed on a fiscal year rather than a calendar year basis. Notwithstanding the prior law and Section 19 of this act (new G.S. 135-40.1(7a)), January 1, 1985, through July 31, 1985, shall be considered a calendar year and August 1, 1985, through June 30, 1986, shall be considered a fiscal year for the purpose of Sections 20, 21, 22, and 36 of this act.

Sec. 59. G.S. 135-39 is amended by adding a new subsection to read:

"(i) Meetings of the Board of Trustees may be called by the Executive Administrator, the Chairman, or by any three members."

Sec. 60. G.S. 135-39(d1) is repealed.

Sec. 61. G.S. 135-40(c) is amended by inserting immediately after the word "Part" the words, "or under G.S. 135-39.5B".

Sec. 62. G.S. 135-40.14 is amended by deleting "this Part", and substituting "Parts 2 and 3 of this Article".

Sec. 63. G.S. G.S. 135-39.6(b) is amended by deleting "Commission" the first time that word appears and substituting "Executive Administrator", and by deleting "Commission" the second time that word appears, and substituting "Executive Administrator and Board of Trustees".

Sec. 64. The last paragraph of G.S. 135-40.4, as added by Section 13 of Chapter 192, Session Laws of 1985, is amended by deleting "Board of Trustees" both places those words appear, and substituting "Executive Administrator and Board of Trustees".

Sec. 65. Effective January 1, 1986, G.S. 135-40.6(2)f. as added by Section 11 of Chapter 192, Session Laws of 1985 is amended by deleting "Board of Trustees", and substituting "Executive Administrator and Board of Trustees".

Sec. 66. Effective October 1, 1985, G.S. 135-40.6(8) is amended by adding a new subdivision to read:

"m. Cardiac Rehabilitation: Charges, not to exceed six hundred fifty dollars ($650.00) per fiscal year, for cardiac exercise therapy and cardiac exercise testing when determined medically necessary by an attending

physician and approved by the Plan Administrator for patients with a medical history of myocardial infarction, angina pectoris, arrhythmias, cardiovascular surgery, hyperlipidemia, or hypertension, provided such charges are incurred in a hospital."

Sec. 67. G.S. 135-39.3(a) is rewritten to read:

"(a) The Committee on Employee Hospital and Medical Benefits may use employees of the Legislative Services Office and may employ contractual services as approved by the Legislative Services Commission to monitor the Executive Administrator and Board of Trustees, the Plan Administrator, and the Comprehensive Major Medical Plan. The Director of the Budget may use employees of the Office of State Budget and Management to monitor the Executive Administrator and Board of Trustees, the Plan Administrator, and the Comprehensive Major Medical Plan. Such assistance to the Committee on Employee Hospital and Medical Benefits and to the Director of the Budget shall comprise an oversight team."

Sec. 68. The Executive Administrator, after consulting with the Committee on Employee Hospital and Medical Benefits, may, not later than October 31, 1985, extend the contract between the present Plan Administrator and the State of North Carolina for a period of time not to exceed December 31, 1987. If the contract between the present Plan Administrator and the State of North Carolina is terminated for any reason or if that contract is not extended beyond September 30, 1986, then the Executive Administrator, after consulting with the Committee on Employee Hospital and Medical Benefits and after competitive bidding procedures upon advice of the Committee on Employee Hospital and Medical Benefits, shall select a new Plan Administrator for a period of time which shall expire not later than December 31, 1989.

Sec. 69. Except as otherwise provided, this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 456 CHAPTER 733

AN ACT TO INCREASE EDUCATIONAL REQUIREMENTS FOR LICENSING OF FIRE AND CASUALTY AND LIFE INSURANCE AGENTS AND TO REQUIRE NOTICES OF AGENCY CONTRACT TERMINATIONS FROM INSURERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-41(6) is rewritten to read:

"(6) Has had special education, training, or experience of sufficient duration and extent necessary to satisfy the Commissioner that the applicant possesses the competence necessary to fulfill the responsibilities of an agent, general agent, or adjuster. All applicants for licensing as fire and casualty or life insurance agents shall furnish evidence satisfactory to the Commissioner of successful completion of at least 30 hours of instruction, which shall in all cases include the general principles of insurance and any other topics that the Commissioner establishes by

regulation; and which shall, in the case of fire and casualty insurance applicants, include instruction in fire and casualty insurance and, in the case of life insurance applicants, shall include the principles of life insurance. Any applicant who submits satisfactory evidence of having successfully completed an agent training course that has been approved by the Commissioner and that is offered by or under the auspices of a fire and casualty or life insurance company admitted to do business in this State, shall be deemed to have satisfied the educational requirements of this subdivision. Upon the expiration of any license of an agent, general agent, or insurance adjuster, the Commissioner may grant a license to that agent, general agent, or insurance adjuster for a period not exceeding one year, upon an application of the company desiring to license that agent or general agent, or upon the application of the employer of that insurance adjuster, and without any application from the agent, general agent, or insurance adjuster, on forms and in accordance with rules determined by the Commissioner and upon payment of the proper fees by either the insurance company or the agent, general agent, or insurance adjuster. The requirement in this subdivision for completion of 30 hours of instruction does not apply to applicants for agents' licenses who are not required by law to take and pass written examinations for the issuance of the licenses; to applicants for title insurance agent licenses; not to applicants for physical damage insurance agent licenses who, when licensed, will not sell any other fire and casualty insurance than physical damage insurance on motor vehicles."

Sec. 2. G.S. 58-41.1(a)(5) is amended by deleting "Institute of Insurance of America, or any insurance institute conducted at a recognized college or university in the State of North Carolina and meeting the standards as approved by the Commissioner of Insurance" and substituting "Insurance Institute of America".

Sec. 3. G.S. 58-131.53 is amended as follows:

(1) By inserting the following in the section heading after "rule": "; *notice of termination of agency contract to the Commissioner*"; and

(2) By designating the present language as subsection (a) and adding a new subsection to read:

"(b) Whenever any insurance company cancels its relationship with a North Carolina insurance agency or whenever the relationship between the agency and the company is in any way terminated, the company shall notify the Commissioner. The notification to the Commissioner shall state the number and kinds of policies written through the agency."

Sec. 4. Sections 1 and 2 of this act shall become effective July 1, 1986. Section 3 and this section are effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 1022 **CHAPTER 734**

AN ACT TO MAKE CERTAIN TECHNICAL AND OTHER AMENDMENTS TO THE PRACTICING PSYCHOLOGISTS' LICENSING ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-270.4(a), as the same appears in the 1983 Supplement to the 1981 Replacement Volume 2C of the General Statutes of North Carolina, is hereby amended by inserting in line 7 of the second paragraph thereof, after the word "department" and before the word "who" the words "or an employee whose employment is included under the State Personnel Act".

Sec. 2. G.S. 90-270.4(a1) is hereby rewritten to read as follows:

"(a1) Nothing in this Article shall be construed as limiting State or local governmental programs from hiring nonlicensed applicants qualified for psychology positions, providing that the person hired has not previously been denied licensure on grounds applicable at the time of his employment by the governmental program and providing that the person hired makes application for a license in North Carolina within six months of being employed by the governmental program. After making application for a license, employees hired under this provision must take the first examination for a license to which they are admitted by the Board, and if the employee fails the examination, the employee must pass the examination the next time it is given to remain employed in a psychology position. An employee hired under this provision who fails the examination or leaves the governmental program after six months without making application for a license may not subsequently be hired by another governmental program without first becoming licensed."

Sec. 3. G.S. 90-270.4 is amended by adding a new subsection (a2) and a new subsection (g) as follows:

"(a2) Persons certified by the State Board of Education as school psychologists and employed by the Department of Public Instruction or local boards of education are not required to be licensed under this Article in order to perform the duties for which they are employed by the Department of Public Instruction or local boards of education, and nothing in this Article shall be construed as limiting their activities, services or titles while performing those duties for which they are employed by the Department of Public Instruction or local boards of education. If a person certified by the State Board of Education as a school psychologist and employed by the Department of Public Instruction or a local board of education is or becomes licensed as a practicing psychologist under this Article, he or she shall be required to comply with all conditions, requirements and obligations imposed by statute or by Board rules and regulations upon all other practicing psychologists licensed under this Article as a condition to retaining that license. Other provisions of this Article notwithstanding, if a person certified by the State Board of Education as a school psychologist and employed by the Department of Public Instruction or a local board of education is or becomes licensed as a psychological associate under this Article, he or she shall not be required

to comply with the supervision requirements otherwise applicable to psychological associates by Board rules and regulations or by this Article in the course of his or her employment with the Department of Public Instruction or a local board of education, but he or she shall be required to comply with all other conditions, requirements and obligations imposed by statute or a local board of education or by Board rules and regulations upon all other psychological associates licensed under this Article as a condition to retaining that license.

(g) Except as otherwise provided in this Article, if a person exempt from the provisions of this Article and not required to be licensed under this Article is or becomes licensed under this Article, he or she shall be required to comply with all conditions, requirements and obligations imposed by Board rules and regulations or by statute upon all other psychologists licensed under this Article."

Sec. 4. G.S. 90-270.5(d), as the same appears in the 1981 Replacement Volume 2C of the General Statutes, is hereby amended by adding at the end thereof the following:

"If the psychologist ceases to practice at any time before completion of the two years of acceptable and appropriate supervised experience, the Board may place the psychologist on inactive status, during which time supervision will not be required. In the event a practicing psychologist issued a temporary license under this subsection is placed on inactive status or practices on a part-time basis, the Board may renew the temporary license as necessary until such time as the psychologist has completed the equivalent of two years' full-time practice under acceptable and appropriate supervision as defined by the Board."

Sec. 5. G.S. 90-270.7, as the same appears in the 1981 Replacement Volume 2C of the General Statutes, is hereby rewritten to read as follows:

"§ 90-270.7. *Qualifications of Board members.*—Each member of the Board shall have the following qualifications:

(1) Be a resident of this State and a citizen of the United States;

(2) Except for public members, hold either a license as a practicing psychologist or a license as a psychological associate issued under this Article;

(3) Except for public members, be at the time of his appointment, and shall have been for at least five years prior thereto, actively engaged as a psychologist in one or more branches of psychology or in the education and training of master's, doctoral or postdoctoral students of psychology or in psychological research, and such activity during the two years preceding appointment shall have occurred primarily in this State."

Sec. 6. G.S. 90-270.9 is hereby rewritten to read as follows:

"§ 90-270.9. *Election of officers; meetings; adoption of seal and appropriate rules; powers of the Board.*—The Board shall annually elect the chairman and vice-chairman from among its membership. The Board shall meet annually, at a time set by the Board, in the City of Raleigh, and it may hold additional meetings and conduct business at any place in the State. Four members of the Board shall constitute a quorum. The Board may empower any member to conduct any proceeding or investigation necessary to its purposes and may empower its agent or counsel to conduct any investigation necessary to its purposes, but any

final action requires a quorum of the Board. The Board may order that any records concerning the provision of psychological services relevant to a complaint received by the Board or an inquiry or investigation conducted by or on behalf of the Board be produced before the Board or for inspection and copying by representatives of or counsel to the Board by the custodian of such records. The Board shall adopt an official seal, which shall be affixed to all licenses issued by it. The Board shall make such rules and regulations not inconsistent with law, as may be necessary to regulate its proceedings and otherwise to implement the provisions of this Article."

Sec. 7. G.S. 90-270.11(a)(1) and (b)(1) are hereby amended by deleting on the third and fourth lines the words and numerals "not more than one hundred twenty dollars ($120.00)," and inserting in lieu thereof the words and numerals "not more than one hundred fifty dollars ($150.00),". G.S. 90-270.11(a)(2) is amended by deleting the phrase "one hundred twenty dollar ($120.00)" and substituting "one hundred fifty dollars ($150.00)".

Sec. 8. G.S. 90-270.14, as the same appears in the 1981 Replacement Volume 2C of the General Statutes, is hereby amended by deleting from the fourth line thereof, on the second line of subdivision (1), the words and numerals "twenty dollars ($20.00)" and inserting in lieu thereof the words and numerals "not more than thirty-five dollars ($35.00)." and by deleting from line 5 of the section, on the third line of subdivision (1), the words and numerals "two dollars ($2.00)" and inserting in lieu thereof the words and numerals "not more than fifteen dollars ($15.00)".

Sec. 9. G.S. 90-270.15 is hereby rewritten to read as follows:

"§ 90-270.15. *Refusal, suspension, or revocation of licenses.*—(a) A license applied for, or issued under this Article may be refused, suspended, revoked, or otherwise limited, as provided in subsection (e) below, by the Board upon proof that the person to whom the license was issued:

(1) Has been convicted of a felony; or

(2) Has been convicted of a misdemeanor involving moral turpitude or involving misrepresentation or fraud in dealing with the public or otherwise relevant to his fitness to practice psychology; or

(3) Has engaged in fraud or deceit in securing or attempting to secure a license under this Article or the renewal thereof or has willfully concealed from the Board material information in connection with application for a license under this Article or the renewal thereof; or

(4) Is a habitual drunkard or is addicted to the use of deleterious habit-forming drugs; or

(5) Has practiced any fraud, deceit, or misrepresentation upon the public or upon any individual in connection with the practice of psychology or the offer of psychological services or in any manner otherwise relevant to his fitness for the practice of psychology; or

(6) Has made fraudulent or misleading statements pertaining to his education, licensure, professional credentials, or related to his qualifications or fitness for the practice of psychology to the public, any individual, or any organization; or

(7) Has had a license for the practice of psychology in any other state, or territory of the United States, or any other country, suspended or revoked; or

(8) Has been guilty of unprofessional conduct as defined by the then-current code of ethics published by the American Psychological Association; or

(9) Has violated any provision of this Article or of the duly adopted rules and regulations of the Board; or

(10) Has employed a psychologist who has no valid license or temporary license issued under this Article.

(b) A license issued under this Article shall be automatically suspended by the Board after failure to renew a license for a period of more than three months after the annual renewal date.

(c) Except as provided otherwise in this Article, the procedure for revocation, suspension, refusal, or other limitations of the license shall be in accordance with the provisions of Chapter 150A of the General Statutes. In any proceeding before the Board, in any record of any hearing before the Board, in any complaint or notice of charges against any licensee or applicant for licensure, and in any decision rendered by the Board, the Board may withhold from public disclosure the identity of any clients or patients who have not consented to the public disclosure of treatment by the licensee or psychologist. The Board may close a hearing to the public and receive in executive session evidence involving or concerning the treatment or delivery of psychological services to a client or a patient who has not consented to the public disclosure of such treatment or services as may be necessary for the protection and rights of such patient or client of the accused psychologist and the full presentation of relevant evidence. All records, papers and other documents containing information collected and compiled by or on behalf of the Board, as a result of investigations, inquiries or interviews conducted in connection with licensing or disciplinary matters will not be considered public records within the meaning of Chapter 132 of the General Statutes; provided, however, that any notice or statement of charges against any licensee or applicant, or any notice to any licensee or applicant of a hearing in any proceeding, or any decision rendered in connection with a hearing in any proceeding, shall be a public record within the meaning of Chapter 132 of the General Statutes, notwithstanding that it may contain information collected and compiled as a result of such investigation, inquiry, or hearing except that identifying information concerning the treatment or delivery of services to a patient or client who has not consented to the public disclosure of such treatment or services may be deleted; and provided, further, that if any such record, paper or other document containing information theretofore collected and compiled by or on behalf of the Board, as hereinbefore provided, is received and admitted in evidence in any hearing before the Board, it shall thereupon be a public record within the meaning of Chapter 132 of the General Statutes, subject to any deletions of identifying information concerning the treatment or delivery of psychological services to a patient or client who has not consented to the public disclosure of such treatment or services.

(d) A person whose license has been refused or revoked under the terms of this section may reapply to the Board for licensure after the passage of one calendar year from the date of such revocation. The Board may reinstate a suspended license upon payment of a special fee of fifteen dollars ($15.00), and may require that the applicant file a new application, furnish new supervisory reports or references or otherwise update his credentials, or submit to reexamination for reinstatement.

(e) Upon proof that an applicant or licensee under this Article has engaged in any of the prohibited actions specified in subsection (a) above, the Board may, in lieu of refusal, suspension, or revocation, issue a formal reprimand or formally censure the applicant or licensee, may place the applicant or licensee upon probation with such appropriate conditions upon the continued practice as the Board may deem advisable, or may limit or circumscribe the professional psychological services provided by the applicant or licensee with respect to the extent, nature, or location of his practice as the Board deems advisable. The Board may impose such conditions of probation or restrictions upon continued practice at the conclusion of a period of suspension or as requirements for the restoration of a revoked or suspended license. In lieu of or in connection with any disciplinary proceedings or investigation, the Board may enter into a consent order relative to the discipline, censure, probation or limitation of a licensee or applicant for a license."

Sec. 10. Article 18A of Chapter 90 of the North Carolina General Statutes, known as the "Practicing Psychologists Licensing Act," is hereby amended by adding a new section thereto to be numbered G.S. 90-270.20 and to read as follows:

"§ 90-270.20. *Duplicate and replacement licenses.*—A licensee may request the Board to issue a duplicate or replacement license for a fee set by the Board not to exceed twenty dollars ($20.00). Upon receipt of the request and a showing of good cause for the issuance of a duplicate replacement license, and payment of the fee, the Board shall issue a duplicate or replacement license."

Sec. 11. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 1037 **CHAPTER 735**

AN ACT TO ENABLE HOSPITAL, MEDICAL AND DENTAL SERVICE CORPORATIONS, INSURERS AND PERSONS TO ENGAGE IN HEALTH CARE COST CONTAINMENT ACTIVITIES.

The General Assembly of North Carolina enacts:

Section 1. The purpose of this act is to authorize corporations organized pursuant to Chapter 57 of the General Statutes, insurers and persons subject to the provisions of Chapter 58 of the General Statutes and persons arranging for the provisions of health care benefits on a fee for service basis to seek, experiment, and implement innovative means of reducing the costs of health care services to persons who are members of or covered by such plans, policies or certificates. Therefore, the General

Assembly declares that innovation in the reimbursement mechanisms for health care services and the implementation of reducing such costs is a public good which advances the general welfare of the citizens of this State.

Sec. 2. G.S. 57-1 is amended by the addition of the following paragraph immediately prior to the final paragraph of the section:

"The term 'preferred provider' as used in this Chapter with respect to contracts, organizations, policies or otherwise means a health care service provider who has agreed to accept, from a corporation organized for the purposes authorized by this Chapter or other applicable law, special reimbursement terms in exchange for providing services to beneficiaries of a plan administered pursuant to this Chapter. Except to the extent prohibited either by G.S. 57-16.1 or by regulations promulgated by the Department of Insurance not inconsistent with this Chapter, the contractual terms and conditions for special reimbursement shall be those which the corporation and preferred provider find to be mutually agreeable."

Sec. 3. Chapter 57 of the General Statutes is amended by adding a new Section 57-16.1 as follows:

"§ 57-16.1. *Preferred provider contracts.*—(a) Notwithstanding any other provisions of law, except the second and third paragraphs of G.S. 58-260, corporations organized for the purposes of this Chapter are authorized to enter into preferred provider contracts in addition to all other contracts authorized by this Chapter, or to enter other cost containment arrangements approved by the Commissioner of Insurance, with persons, entities or organizations for the purpose of reducing the costs of providing health care services. Such preferred provider contracts may be entered into with licensed institutions and practitioners of all types without regard to speciality of services or limitation to a specific type of practice.

(b) The Department of Insurance shall have authority to make rules applicable to corporations offering preferred provider plans, policies, or contracts pursuant to this section. These rules shall be designed to provide for (i) accessibility of preferred provider services to individuals comprising the insured or contracted group, (ii) the adequacy of the number and locations of institutions and practitioners, (iii) the availability of services at reasonable times, and (iv) financial solvency.

(c) The Department of Insurance shall require each corporation developing preferred provider plans, policies or contracts under this section to provide summary data regarding the financial reimbursement offered to providers. Any corporation which proposes to offer preferred provider plans, contracts or policies authorized by this section shall furnish annually to the Department of Insurance the following information:

(1) the name by which the preferred provider plan, policy or contract will be known, and its business address;

(2) the name, address and nature of any separate organization which administers the plan, policy or contract on behalf of the insured; and

(3) the names and addresses of all providers designated by the corporation and the terms of the agreements with these providers.

(d) A person enrolled in a preferred provider plan may obtain covered health care services from a provider not participating in the plan. The preferred provider plan may, however, limit the coverage for health care services obtained from a provider not participating in the plan. Preferred provider policies or contracts offered pursuant to this section shall provide for payment for services rendered by non-participating providers. Such payment may differ from that provided to participating providers in the discretion of the corporation. Non-participating providers may participate in other arrangements with the corporation, but will be subject to reimbursement mechanisms approved by the corporation including, but not limited to, direct payment of health insurance benefits to the subscriber without right of assignment to the provider of health care services.

(e) Upon the initial offering of a preferred provider plan to the public, any potential provider institutions and practitioners shall be allowed the opportunity to submit a proposal for participation in accordance with the terms of the plan. The health care providers shall have at least thirty (30) days to submit a proposal for participation. Subsequent to the initial offering of a preferred provider plan, any provider seeking to submit a proposal may be permitted to do so. The second and third paragraphs of G.S. 58-260 are specifically made applicable to preferred provider plans.

(f) Any provision of a contract between a corporation and a provider restricting the provider's right to enter into preferred provider arrangements with other parties is prohibited. Any such restriction in a preferred provider contract between a corporation and a provider of health care services is null and void and shall not be enforceable; however, the existence of any such unenforceable restriction shall not invalidate any other provision of the preferred provider contract.

(g) Any corporation marketing a preferred provider plan to subscribers or contracting parties must provide to the same a written list of the then current participating institutions and practitioners in the geographic area in which it is anticipated that the substantial portion of health care services will be provided prior to entering into a preferred provider plan contract with the actual or potential subscriber or contracting party.

(h) Publications or advertisements of preferred providers shall not refer to the quality or efficiency of the health care services of non-participating providers."

Sec. 4. Article 27 of Chapter 58 of the General Statutes of North Carolina is amended by adding two new sections to read:

"§ 58-260.5. *Preferred provider; definition.*—The term 'preferred provider' as used in this Chapter with respect to contracts, organizations, policies or otherwise means a person, who has contracted for, or a provider of health care services who has agreed to accept special reimbursement or other terms for health care services from any person; or an insurer subject to the provisions of this Chapter or other applicable law for health care services on a fee for service basis, or in exchange for providing health care services to beneficiaries of a plan administered pursuant to this Chapter. Except where specifically prohibited either by G.S. 58-260.6 or by regulations promulgated by the Department of Insurance, not inconsistent

with this Chapter, the contractual terms and conditions for special reimbursements shall be those which the insurer, health care provider and the preferred provider find to be mutually agreeable.

"§ 58-260.6. *Preferred provider contracts.*—(a) Notwithstanding any other provisions of law, except the second and third paragraphs of G.S. 58-260, corporations organized pursuant to this Chapter are authorized to enter into preferred provider contracts in addition to all other contracts authorized by this Chapter, or to enter other cost containment arrangements approved by the Commissioner of Insurance, with persons, entities or organizations for the purpose of reducing the cost of providing health care services. Such preferred provider contracts may be entered into with licensed institutions and practitioners of all types without regard to specialty of services or limitation to a specific type of practice.

(b) The Department of Insurance shall have authority to make rules applicable to persons offering preferred provider plans, policies, or contracts pursuant to this section. These rules shall be designed to provide for (i) accessibility of preferred provider services to individuals comprising the insured or contracted group, (ii) the adequacy of the number and locations of institutions and practitioners, (iii) the availability of services at reasonable times, and (iv) financial solvency.

(c) The Department of Insurance shall require each preferred provider plan to provide summary data regarding the financial reimbursement offered to providers of health care. All such plans shall disclose annually the following information:

(1) the name by which the preferred provider plan policy or arrangement is known, and its business address;

(2) the name, address and nature of any separate organization which administers the plan, policy or arrangement on behalf of the preferred provider; and

(3) the names and addresses of all providers of health care designated by the preferred provider and the terms of the agreements entered into with those providers.

(d) A person enrolled in a preferred provider plan may obtain covered health care services from a provider not participating in the plan. The preferred provider plan may, however, limit the coverage for health care services obtained from a provider not participating in the plan. Preferred provider policies or contracts offered pursuant to this section shall provide for payment for services rendered by non-participating providers. Such payment may differ from that provided to participating providers in the discretion of the corporation. Non-participating providers may participate in other arrangements with the preferred provider, but will be subject to the provider's approved reimbursement mechanisms including, but not limited to, direct payment of health insurance benefits to the subscriber without right of assignment to the provider of health care services.

(e) Upon the initial offering of a preferred provider plan to the public, any potential provider institutions and practitioners shall be allowed the opportunity to submit a proposal for participation in accordance with the terms of the plan. The health care providers shall have at least thirty (30) days to submit a proposal for participation. Subsequent to the initial

offering of a preferred provider plan, any provider seeking to submit a proposal may be permitted to do so. Any provider seeking to participate in the plan, whether upon the initial offering or subsequently, may be permitted to do so in the discretion of the preferred provider plan. The second and third paragraphs of G.S. 58-260 are specifically made applicable to preferred provider plans.

(f) Any provision of a contract between a preferred provider plan and a health care provider restricting the health care providers's right to enter into preferred provider arrangements with other parties is prohibited. Any such restriction in a preferred provider contract between a preferred provider plan and a provider of health care services is null and void and shall not be enforceable. The existence of any such unenforceable restriction shall not invalidate any other provision of the preferred provider contract.

(g) A list of the current participating health care providers in the geographic area in which a substantial portion of health care services will be available shall be provided to enrollees and contracting parties.

(h) Publications or advertisements of preferred providers plans or arrangements shall not refer to the quality or efficiency of the services of non-participating providers."

Sec. 5. If any section, term or provision of this act shall be adjudged invalid for any reason, such judgment shall not affect, impair or invalidate any other section, term or provision of this act, but the remaining sections, terms and provisions shall be and remain in full force and effect.

Sec. 6. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 414 CHAPTER 736

AN ACT TO PROVIDE THAT AN ORDER OF SEIZURE AND DELIVERY FOR PROPERTY PURCHASED UNDER A CONDITIONAL SALE CONTRACT OR FOR PROPERTY USED AS COLLATERAL EXPIRES IN SIXTY DAYS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-474 is amended by designating the current language of that section as subsection (a) with the heading "Order.", and by adding a new subsection to that section to read:

"(b) Expiration of Certain Orders. When delivery of property is claimed from a debtor who allegedly defaulted on his payments for personal property purchased under a conditional sale contract, a purchase money security agreement or on a loan secured by personal property, an order of seizure and delivery to the plaintiff for that property expires 60 days after it is issued."

Sec. 2. This act shall become effective October 1, 1985, and shall apply to orders of seizure and delivery issued on or after that date.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 425 **CHAPTER 737**

AN ACT TO PERMIT CERTAIN COUNTIES AND THE CITIES LOCATED THERE TO REGULATE ABANDONED, JUNKED VEHICLES FOR AESTHETIC PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of Section 1 of Chapter 841 of the 1983 Session Laws is amended by adding immediately after "Dare" the words ", Alamance, Ashe, Bladen, Brunswick, Burke, Caldwell, Cumberland, Davie, Gaston, Guilford, Henderson, Jackson, Lincoln, New Hanover, Pender, Rockingham, Rowan, Surry, Wayne".

Sec. 2. The first sentence of Section 2 of Chapter 841 of the 1983 Session Laws is amended by adding immediately after "Dare" the words ", Alamance, Ashe, Bladen, Brunswick, Burke, Caldwell, Cumberland, Davie, Gaston, Guilford, Henderson, Jackson, Lincoln, New Hanover, Pender, Rockingham, Rowan, Surry, Wayne".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 945 **CHAPTER 738**

AN ACT TO AMEND THE SOLID WASTE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-290(18)(d) is hereby rewritten to read as follows:

"Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011)."

Sec. 2. G.S. 130A-294(c) is hereby amended by adding a new subdivision to read as follows:

"(1a) Establishing criteria for hazardous constituents, identifying the characteristics of hazardous constituents and listing particular hazardous constituents;".

Sec. 3. G.S. 130A-294(c)(10) is hereby amended on the fifth line after the word "measures" and before the parenthesis by adding "through the use of a letter of credit, insurance, surety, trust agreement, financial test, or financial test and corporate guarantee."

Sec. 4. Article 9 of Chapter 130A of the General Statutes is amended by adding the following new sections at the end thereof:

"§ 130A-308. *Continuing releases at permitted facilities.*—Standards adopted under G.S. 130A-294(c) shall require, and a permit issued after November 8, 1984, shall require corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage, or disposal facility seeking a permit under G.S. 130A-294(c), regardless of the time at which waste was placed in such unit. Permits issued under G.S. 130A-294(c) which implement Section 3005 of the Federal Act (42 U.S.C. § 6925) shall contain schedules of compliance for such corrective action (where such corrective action cannot be

completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action. Notwithstanding any other provision of this section, this section shall apply only to units, facilities, and permits that are covered by Section 3004(u) of the Federal Act (42 U.S.C. Section 6924)(u)). Notwithstanding the foregoing, corrective action authorized elsewhere in this Chapter shall not be limited by this section.

"§ 130A-309. *Corrective actions beyond facility boundary.*—Standards adopted under G.S. 130A-294(c) shall require that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment unless the owner or operator of the facility concerned demonstrates to the satisfaction of the Department that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. Such standards shall take effect upon adoption and shall apply to:

a. all facilities operating under permits issued under 130A-294(c); and

b. all landfills, surface impoundments, and waste pile units (including any new units, replacements of existing units or lateral expansions of existing units) which receive hazardous waste after July 26, 1982.

Pending adoption of such rules, the Department shall issue corrective action orders for facilities referred to in a. and b., on a case-by-case basis, consistent with the purposes of this section. Notwithstanding any other provision of this section, this section shall apply only to units, facilities, and permits that are covered by Section 3004(v) of the Federal Act (42 U.S.C. Section 6924(v)). Notwithstanding the foregoing, corrective action authorized elsewhere in this Chapter shall not be limited by this section."

Sec. 5. G.S. 130A-304 is hereby amended by deleting the phrase "processes, operations, style of work, or apparatus."

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 855 **CHAPTER 739**

AN ACT TO AMEND THE REQUIREMENTS FOR RECEIVING A LICENSE TO PRACTICE MEDICINE.

The General Assembly of North Carolina enacts:

Section 1. The first paragraph of G.S. 90-9 is amended by adding new sentences, at the end, to read:

"An applicant shall have graduated from a medical college approved by the Liaison Commission on Medical Education or osteopathic college that has been approved by the American Osteopathic Association; or, if he was graduated from any other medical or osteopathic college, the applicant shall be enrolled in a graduate medical education and training program in North Carolina which has been approved by the Board. An applicant who has graduated from a medical college not approved by the Liaison Commission on Medical Education or osteopathic college that has not been approved by the American Osteopathic Association and who has not enrolled in a graduate medical education and training program in North

Carolina which has been approved by the Board shall satisfy the Board that he has successfully completed three years of graduate medical education in a training program approved by the Board. No applicant from a medical or osteopathic college which has been disapproved by the Board shall be eligible to take the examination."

Sec. 2. The second paragraph of G.S. 90-9 is amended by adding a new sentence, at the end, to read: "The Board may divide the examination into parts or components."

Sec. 3. The third paragraph of G.S. 90-9 is rewritten to read:

"If the applicant successfully passes the examination, as determined by the Board, and if the applicant satisfies the Board that he is of good moral character and that either, (1) if the applicant is a graduate of a medical college approved by the Liaison Commission on Medical Education or osteopathic college approved by the American Osteopathic Association, he has successfully completed one year of training in a medical education program approved by the Board after graduation from medical school; or (2) if the applicant is a graduate of a medical college that has not been approved by the Liaison Commission on Medical Education or osteopathic college that has not been approved by the American Osteopathic Association, he has successfully completed three years of training in a medical education program approved by the Board after graduation from medical school, then the Board shall grant the applicant a license authorizing him to practice medicine in any of its branches."

Sec. 4. G.S. 90-13 is amended by deleting the last sentence of the section and by substituting the following three sentences:

"An applicant for licensing under this section who was graduated from a medical college not approved by the Liaison Commission on Medical Education or osteopathic college that has not been approved by the American Osteopathic Association shall have successfully completed three years of training in a medical education and training program approved by the Board after graduation. The Board may grant a license under this section for any period of time and with any conditions it deems appropriate. No license may be granted to any applicant who was graduated from a medical or osteopathic college which has been disapproved by the Board."

Sec. 5. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 1132 **CHAPTER 740**

AN ACT TO MAKE CHANGES IN THE CERTIFICATE OF NEED LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-176(16)b. is amended by rewriting the third sentence to read: "The expenditure minimum is one million dollars ($1,000,000) for the 12-month period beginning October 1, 1985".

Sec. 2. G.S. 131E-176(15) is rewritten to read:

"(15) 'Major Medical Equipment' means a single unit or a single system of components with related functions which is used to provide medical and

other health services and which costs more than six hundred thousand dollars ($600,000). In determining whether medical equipment costs more than six hundred thousand dollars ($600,000), the cost of studies, surveys, designs, plans, working drawings, specifications and other activities essential to acquiring the equipment shall be included. If the equipment is acquired for less than fair market value, the cost shall be deemed to be the fair market value."

Sec. 3. G.S.131E-178(a) is amended by adding a new sentence following the second period to read: "A hospital shall not be required to obtain a certificate of need for a new institutional health service offered or developed by or on behalf of the hospital for outpatients in a freestanding facility unless all other persons offering or developing the same new institutional health service in a freestanding facility are required under this Article to obtain a certificate of need."

Sec. 4. G.S. 131E-180 is amended by deleting the word "shall" in the fifth sentence of subsection (b) and in the first sentence of subsection (e), and inserting "may".

Sec. 5. Severability. If any provision of this act or its application to any person or circumstances is held invalid by any court of competent jurisdiction, the invalidity will not affect other provisions or applications that can be given effect without the invalid provision or application; and to this end the provisions of this act are severable.

Sec. 6. G.S. 131E-176(16)g. is amended by deleting the semicolon at the end of the provision and adding the following: "or the acquisition by any person of major medical equipment that includes magnetic resonance imaging and lithotripters, regardless of ownership or location;"

G.S. 131E-176(16)h. is amended by deleting the semicolon at the end of the provision and adding the following to read: ", or the Department, within 30 days after receipt of the notice, finds that the major medical equipment is among the types enumerated in g. above;".

Sec. 7. This act is effective upon ratification except that Section 4 shall not apply to an acquisition of major medical equipment for which a notice of acquisition pursuant to G.S. 131E-176(16)(h) has been approved by the Department prior to the effective date.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

S.B. 507 **CHAPTER 741**

AN ACT TO PROHIBIT OBTAINING HOUSING ASSISTANCE BY MISREPRESENTATION AND TO AUTHORIZE EVICTION OF TENANTS FOR FAILURE TO PAY RENT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 157 of the General Statutes is amended by adding after G.S. 157-29 a new section to read:

"§ 157-29.1. *Fraudulent misrepresentation.*—(a) Any person whether provider or recipient, or person representing himself as such, who willfully and knowingly and with intent to deceive makes a false statement or representation or who willfully and knowingly and with intent to deceive

fails to disclose a material fact and as a result of making a false statement or representation or failing to disclose a material fact obtains, for himself or another person, attempts to obtain for himself or another person, or continues to receive housing assistance in the amount or value of not more than four hundred dollars ($400.00) is guilty of a misdemeanor, and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court.

(b) Any person whether provider or recipient, or person representing himself as such, who willfully and knowingly and with intent to deceive makes a false statement or representation or who willfully and knowingly and with intent to deceive fails to disclose a material fact and as a result of making a false statement or representation or failing to disclose a material fact obtains, for himself or another person, or continues to receive housing assistance in the amount or value of more than four hundred dollars ($400.00) is guilty of a Class I felony.

(c) As used in this section the word 'person' means person, association, consortium, body politic, partnership, or other group, entity, or organization."

Sec. 2. G.S. 157-29 is amended as follows:

(1) by deleting the word "and" at the end of the second subdivision (3);

(2) by deleting the period at the end of subdivision (4) and substituting "; and"; and

(3) by adding after subdivision (4) a new subdivision to read:

"(5) It shall not terminate or refuse to renew a rental agreement other than for a serious or repeated violation of a material term of the rental agreement such as (i) failure to make payments due under the rental agreement, if such payments were properly and promptly calculated according to applicable HUD regulations, without regard to fault on the part of the tenant, (ii) failure to fulfill the tenant obligations set forth in 24 C.F.R. § 866.4(f) as it may be amended from time to time, or (iii) other good cause. Except in the case of failure to make payments due under a rental agreement, fault on the part of a tenant may be considered in determining whether good cause exists to terminate a rental agreement."

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

H.B. 641 **CHAPTER 742**

AN ACT TO AMEND THE LAW REGARDING THE TOWN OF ELKIN'S RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Should the Town of Elkin become a member of the North Carolina Local Governmental Employees Retirement System, the governing body of the Town of Elkin may provide for its employees to receive prior service credit in the Local Governmental Employees Retirement System equal to the period of prior service credit which such

employee has in the Town of Elkin retirement system at the time the city or county retirement system is merged into the Local Governmental Employees Retirement System, and no other prior service credit shall be given for service with the Town of Elkin.

Sec. 2. All laws and clauses of laws in conflict herewith, to the extent of such conflict, shall be inapplicable to the Town of Elkin.

Sec. 3. This act shall apply to the Town of Elkin only.

Sec. 4. This act is effective July 1, 1985.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 1192 **CHAPTER 743**

AN ACT TO TEMPORARILY AUTHORIZE LOCAL HEALTH DEPARTMENTS TO CHARGE A FEE FOR THE ADMINISTRATION OF THE IMMUNIZATIONS REQUIRED PURSUANT TO G.S. 130A-152.

The General Assembly of North Carolina enacts:

Section 1. The second and third sentences of G.S. 130A-153(a) are rewritten to read:

"Upon determination by the Secretary of Human Resources that imposition of a fee is necessary to maintain the immunization program at a local health department, that local health department may charge patients able to pay a fee equal to the cost of the vaccine when administering required immunizations. The amount collected shall be transmitted to the Department of Human Resources as reimbursement for the cost of the vaccine. In the absence of the aforementioned determination local health departments shall administer the required immunizations obtained from the Department of Human Resources at no cost to the patient."

Sec. 2. The second, third and fourth sentences of G.S. 130A-153(a) are deleted and the following is substituted:

"Local health departments shall administer the required immunizations at no cost to the patient. The Department shall provide the vaccines for use by the local health departments."

Sec. 3. Section 1 of this act shall become effective June 1, 1985. Section 2 of this act shall become effective July 1, 1986.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 612 **CHAPTER 744**

AN ACT TO AMEND THE DURHAM CITY CHARTER TO PERMIT THE ANNEXATION OF AREAS LYING WITHIN THE CORPORATE BOUNDARIES OF THE CITY.

The General Assembly of North Carolina enacts:

Section 1. A new Section 2.1 is hereby added to the Durham City Charter to provide as follows:

"Sec. 2.1. *Annexation of areas lying within the corporate boundaries of the City.* In addition to areas prescribed by G.S. 160A-48, the City Council may annex any area, or part thereof, that is surrounded by the corporate boundaries of the City. The procedure prescribed by Part 3 of Article 4A of Chapter 160A of the North Carolina General Statutes shall be applicable to any such annexation. The property tax liability of any such annexed area shall be determined in the manner prescribed by Part 5 of Article 4A of Chapter 160A of the North Carolina General Statutes."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 551 **CHAPTER 745**

AN ACT TO ALLOW BOARDS OF COUNTY COMMISSIONERS TO HOLD SPECIAL MEETINGS OUTSIDE THEIR JURISDICTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-40(c) is rewritten to read:

"(c) The board of commissioners shall hold all its meetings within the county except:

(1) In connection with a joint meeting of two or more public bodies; provided, however, that such a meeting shall be held within the boundaries of the political subdivision represented by the members of one of the public bodies participating;

(2) In connection with a retreat, forum, or similar gathering held solely for the purpose of providing members of the board with general information relating to the performance of their public duties; provided, however, that members of the board of commissioners shall not vote upon or otherwise transact public business while in attendance at such a gathering;

(3) In connection with a meeting between the board of commissioners and its local legislative delegation during a session of the General Assembly; provided, however, that at any such meeting the members of the board of commissioners may not vote upon or otherwise transact public business except with regard to matters directly relating to legislation proposed to or pending before the General Assembly;

(4) While in attendance at a convention, association meeting or similar gathering; provided, however, that any such meeting may be held solely to discuss or deliberate the board's position concerning convention resolutions, elections of association officers and similar issues that are not legally binding upon the board of commissioners or its constituents.

All meetings held outside the county shall be deemed 'official meetings' within the meaning of G.S. 143-318.10(d)."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 52 **CHAPTER 746**

AN ACT TO AMEND CHAPTER 150A OF THE GENERAL STATUTES, ADD A NEW ARTICLE 60 TO CHAPTER 7A OF THE GENERAL STATUTES, AND MAKE OTHER CHANGES IN THE ADMINISTRATIVE PROCEDURES OF EXECUTIVE AGENCIES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 150A of the General Statutes is rewritten to read:

"Article 1.
"General Provisions.

"§ 150A-1. *Policy and scope.*—(a) The policy of the State is that the three powers of government, legislative, executive, and judicial, are, and should remain, separate. The intent of this Chapter is to prevent the commingling of those powers in any administrative agency and to ensure that the functions of rule making, investigation, advocacy, and adjudication are not all performed by the same person in the administrative process.

(b) The purpose of this Chapter is to establish as nearly as possible a uniform system of administrative rule making and adjudicatory procedures for State agencies.

(c) This Chapter shall apply to every agency, as defined in G.S. 150A-2(1), except to the extent and in the particulars that any statute, including subsection (d) of this section, makes specific provisions to the contrary.

(d) The following are specifically exempted from the provisions of this Chapter: the Administrative Rules Review Commission, the Employment Security Commission, the Industrial Commission, the Occupational Safety and Health Review Board, and the Utilities Commission.

The North Carolina National Guard is exempt from the provisions of this Chapter in exercising its court-martial jurisdiction.

The Department of Correction is exempt from the provisions of this Chapter, except for Article 5 of this Chapter and G.S. 150A-13 which shall apply.

Articles 2, 3, and 3A of this Chapter shall not apply to the Department of Transportation in rule making or administrative hearings as provided for by Chapter 20 of the General Statutes or to the Department of Revenue.

Article 4 of this Chapter, governing judicial review of final administrative decisions, shall apply to The University of North Carolina and its constituent or affiliated boards, agencies, and institutions, but The University of North Carolina and its constituent or affiliated boards, agencies, and institutions are specifically exempted from the remaining provisions of this Chapter. Article 4 of this Chapter shall not apply to the State Banking Commission, the Commissioner of Banks, the Savings and Loan Division of the Department of Commerce, and the Credit Union Division of the Department of Commerce.

Article 3 of this Chapter shall not apply to agencies governed by the provisions of Article 3A of this Chapter, as set out in G.S. 150A-38(a).

"§ 150A-2. *Definitions.*—As used in this Chapter,

(1) 'Agency' means any agency, institution, board, commission, bureau, department, division, council, member of the Council of State, or officer of the State government of the State of North Carolina but does not include any agency in the legislative or judicial branch of the State government; and does not include counties, cities, towns, villages, other municipal corporations or political subdivisions of the State or any agencies of such subdivisions, or local boards of education, other local public districts, units or bodies of any kind, or private corporations created by act of the General Assembly.

(2) 'Contested case' means any administrative proceeding, by whatever name called, in which the legal rights, duties, or privileges of a party are required by law to be determined after an opportunity for an adjudicatory hearing. 'Contested case' includes licensing and any administrative proceeding to levy a monetary penalty regardless of whether the statute authorizing such a penalty requires an adjudicatory hearing. 'Contested case' does not include rule making, declaratory rulings, or the award or denial of a scholarship or grant.

(2a) 'Effective' means that a valid rule has been filed as required by G.S. 150A-59 and either has not been delayed by or has been returned to the Administrative Rules Review Commission as required by G.S. 143A-55.3. A rule that is effective is enforceable to the extent permitted by law.

(3) 'License' means any certificate, permit or other evidence, by whatever name called, of a right or privilege to engage in any activity, except licenses issued under Chapter 20 and Subchapter I of Chapter 105 of the General Statutes and occupational licenses.

(4) 'Licensing' means any administrative action issuing, failing to issue, suspending, or revoking a license or occupational license. 'Licensing' does not include controversies over whether an examination was fair or whether the applicant passed the examination.

(4a) 'Occupational license' means any certificate, permit, or other evidence, by whatever name called, of a right or privilege to engage in a profession, occupation, or field of endeavor that is issued by an occupational licensing agency.

(4b) 'Occupational licensing agency' means any board, commission, committee or other agency of the State of North Carolina which is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within a particular profession, occupation or field of endeavor, and which is authorized to issue and revoke licenses. 'Occupational licensing agency' does not include State agencies or departments which may as only a part of their regular function issue permits or licenses.

(5) 'Party' means any person or agency named or admitted as a party or properly seeking as of right to be admitted as a party and includes the agency as appropriate; provided this subdivision shall not be construed to permit the hearing agency or any of its

officers or employees to appeal its own decision for initial judicial review.

(6) 'Person aggrieved' means any person or group of persons of common interest directly or indirectly affected substantially in his or its person, property, or employment by an administrative decision.

(7) 'Person' means any natural person, partnership, corporation, body politic and any unincorporated association, organization, or society which may sue or be sued under a common name.

(8) 'Residence' means domicile or principal place of business.

(8a) 'Rule' means any agency regulation, standard or statement of general applicability that implements or interprets laws enacted by the General Assembly or Congress or regulations promulgated by a federal agency or describes the procedure or practice requirements of any agency not inconsistent with laws enacted by the General Assembly. The term includes the amendment or repeal of a prior rule. The term does not include the following:

a. Statements concerning only the internal management of an agency or group of agencies, including policies and procedures manuals, if such a statement does not directly or substantially affect the procedural or substantive rights or duties of persons not employed by the agency or group of agencies.

b. Budgets and budget policies and procedures issued by the Director of the Budget, by the head of a department, as defined by G.S. 143A-2 or G.S. 143B-3, by an occupational licensing board, as defined by G.S. 93B-1, or by the State Board of Elections.

c. Nonbinding interpretative statements within the delegated authority of the agency that merely define, interpret or explain the meaning of a statute or other provision of law or precedent.

d. A form, the contents or substantive requirements of which are prescribed by rule or statute or the instructions for the execution or use of the form.

e. Statements of agency policy made in the context of another proceeding, including:

1. declaratory rulings under G.S. 150A-17;
2. orders establishing or fixing rates or tariffs.

f. Statements of agency policy, provided that the agency policy is not inconsistent with any law enacted by the General Assembly, communicated to the public by use of signs or symbols, concerning:

1. the use or creation of public roads or bridges;
2. the boundaries of public facilities and times when public facilities are open to the public; or
3. safety in use of public facilities.

g. Statements that set forth criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections; in settling financial disputes or negotiating financial arrangements; or in the defense, prosecution, or settlement of cases;

h. Scientific, architectural, or engineering standards, forms, or procedures.

(9) 'Valid' means that the rule has been adopted pursuant to the procedure required by law. A valid rule is unenforceable until it is made effective.

"§ 150A-3. *Special provisions on licensing.*—(a) When an applicant or a licensee makes a timely and sufficient application for issuance or renewal of a license or occupational license, including the payment of any required license fee, the existing license or occupational license does not expire until a decision on the application is finally made by the agency, and if the application is denied or the terms of the new license or occupational license are limited, until the last day for applying for judicial review of the agency order. This subsection does not affect agency action summarily suspending a license or occupational license under subsections (b) and (c) of this section.

(b) Before the commencement of proceedings for the suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of any license other than an occupational license, the agency shall give notice to the licensee, pursuant to the provisions of G.S. 150A-23. Before the commencement of such proceedings involving an occupational license, the agency shall give notice pursuant to the provisions of G.S. 150A-38. In either case, the licensee shall be given an opportunity to show compliance with all lawful requirements for retention of the license or occupational license.

(c) If the agency finds that the public health, safety, or welfare requires emergency action and incorporates this finding in its order, summary suspension of a license or occupational license may be ordered effective on the date specified in the order or on service of the certified copy of the order at the last known address of the licensee, whichever is later, and effective during the proceedings. The proceedings shall be promptly commenced and determined.

Nothing in this subsection shall be construed as amending or repealing any special statutes, in effect prior to February 1, 1976, which provide for the summary suspension of a license.

"Article 2.
"Rule Making.

"§ 150A-9. *Minimum procedural requirements; limitations on rule-making authority; no criminal sanctions authorized.*—(a) It is the intent of this Article to establish basic minimum procedural requirements for the adoption, amendment, or repeal of administrative rules. Except for temporary rules which are provided for in G.S. 150A-13, the provisions of this Article are applicable to the exercise of any rule-making authority conferred by any statute, but nothing in this Article repeals or diminishes additional requirements imposed by law or any summary power granted by law to the State or any State agency. No rule hereafter adopted is valid unless adopted in substantial compliance with this Article.

(b) Each agency shall adopt, amend, suspend or repeal its rules in accordance with the procedures specified in this Article and pursuant to authority delegated by law and in full compliance with its duties and

obligations. No agency may adopt any rule that implements or interprets any statute or other legislative enactment unless the power, duty, or authority to carry out the provisions of the statute or enactment is specifically conferred on the agency in the enactment, nor may any agency make any rule enlarging the scope of any trade or profession subject to licensing.

(c) The power to declare what shall constitute a crime and how it shall be punished and the power to establish standards for public conduct are vested exclusively in the General Assembly. No agency may adopt any rule imposing a criminal penalty for any act or failure to act, including the violation of any rule, unless the General Assembly authorizes a criminal sanction and specifies a criminal penalty for violation of the rule.

(d) No agency may adopt as a rule the verbatim text of any federal or North Carolina statute or any federal regulation, but an agency may adopt all or any part of such text by reference under G.S. 150A-14.

"§ 150A-10. *Statements of organization and means of access to be published.*—To assist interested persons dealing with it, each agency shall, in a manner prescribed by the Administrative Rules Review Commission, prepare a description of its organization, stating the process whereby the public may obtain information or make submissions or requests. The chief hearing officer of the Office of Administrative Hearings shall publish these descriptions annually.

"§ 150A-11. *Special requirements.*—In addition to other rule-making requirements imposed by law, each agency shall:

(1) Adopt rules setting forth the nature and requirements of all formal and informal procedures available, including a listing of all forms that are required by the agency. Procedures concerning only internal management which do not directly affect the rights of or procedures available to the public shall not be adopted as rules.

(2) Make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted, or used by the agency in the discharge of its functions, except those used only for internal management of the agency.

(3) Submit to the Director of the Budget a summary of any proposed rule requiring the expenditure or distribution of State funds and obtain approval of such expenditure or distribution of State funds prior to publishing the notice of public hearing required by G.S. 150A-12(2). For purposes of this subdivision the term 'State funds' shall have the same meaning as is set out in G.S. 143-1 and shall also apply to the funds of all occupational licensing boards included under G.S. 150A-1. The agency shall include a fiscal note with any proposed rule, other than a temporary rule, so submitted. The fiscal note shall state what effect, if any, the proposed rule will have on the revenues, expenditures, or fiscal liability of the State or its agencies or subdivisions. The fiscal note shall include an explanation of how such effect, if any, was computed.

"§ 150A-12. *Procedure for adoption of rules.*—(a) Before the adoption, amendment or repeal of a rule, an agency shall give notice of a public

hearing and offer any person an opportunity to present data, opinions, and arguments. The notice shall be given within the time prescribed by any applicable statute, or if none then at least 30 days before the public hearing and at least 60 days before the adoption, amendment, or repeal of the rule. The notice shall include:

(1) A reference to the statutory authority under which the action is proposed;

(2) The time and place of the public hearing and a statement of the manner in which data, opinions, and arguments may be submitted to the agency either at the hearing or at other times by any person; and

(3) The text of the proposed rule, or amendment in the form required by G.S. 150A-63(d2) and the proposed effective date of the rule or amendment.

(b) The agency shall transmit copies of the notice to the chief hearing officer of the Office of Administrative Hearings, the Attorney General, and the Governor.

(c) The agency shall publish the notice in the North Carolina Register and as prescribed in any applicable statute.

The agency may also publish the notice or a synopsis of the notice in other ways selected by the agency to give notice to persons likely to be affected by the proposed rule. Methods that may be employed by the agency, depending upon the circumstances, include publication of the notice in one or more newspapers of general circulation or, when appropriate, in trade, industry, governmental or professional publications.

(d) The public hearing shall not be conducted as a contested case unless a specific statute requires that the proposed rule be adopted by adjudicatory procedures.

(e) The proposed rule shall not be changed or modified after the notice required by this section is published and before the rule-making hearing. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the consideration urged against its adoption. The record in every rule-making proceeding under this Article shall remain open at least 30 days either before or after the hearing for the purposes of receiving written comments, and any such comments shall be included in the hearing records. All comments received, as well as any statement of reasons issued to an interested person under this section, shall be included in the rule-making record.

(f) No rule-making hearing is required for the adoption, amendment, or repeal of a rule which solely describes forms or instructions used by the agency.

(g) No rule-making hearing is required if the Administrative Rules Review Commission certifies that the amendment to a rule does not change the substance of the rule and that the amendment is:

(1) A relettering or renumbering instruction; or,

(2) The substitution of one name for another when an organization or position is renamed; or,
(3) The correction of a citation to rules or laws which has become inaccurate since the rule was adopted because of repealing or renumbering of the rule or law cited; or
(4) The correction of a similar formal defect; or
(5) A change in information that is readily available to the public such as addresses and telephone numbers.

(h) No rule-making hearing is required to repeal a rule if the repeal of the rule is specifically provided for by the Constitution of the United States, the Constitution of North Carolina, any federal or North Carolina statute, any federal regulation, or a court order.

"§ 150A-13. *Temporary rules.*—(a) Except as provided in subsection (b) of this section, if an agency which is not exempted from the notice and hearing requirements of this Article by G.S. 150A-1 determines in writing that:

(1) Adherence to the notice and hearing requirements of this Article would be contrary to the public interest; and that
(2) The immediate adoption, amendment, or repeal of a rule is necessitated by and related to:
a. A threat to public health, safety, or welfare resulting from any natural or man-made disaster or other events that constitute a life threatening emergency;
b. The effective date of a recent act of the General Assembly or the United States Congress;
c. A federal regulation; or
d. A court order,

the agency may adopt, amend, or repeal the rule without prior notice or hearing or upon any abbreviated notice or hearing the agency finds practicable. The agency must accompany its rules filing with the chief hearing officer of the Office of Administrative Hearings and the Governor with the agency's written certification of the finding of need for the temporary rule, together with the reasons for that finding and a copy of the notice of hearing on the proposed permanent rule.

The written certification of the finding of need for the temporary rule shall be signed by:

(1) The member of the Council of State in the case of the Departments of Justice, Insurance, Public Education, Labor, Agriculture, Treasurer, State Auditor, or Secretary of State.
(2) The chairman of the board in the case of an occupational licensing board.
(3) The Governor in the case of all other agencies.

(b) If the Department of Crime Control and Public Safety, Transportation, Revenue, or Correction determines in writing that the immediate adoption, amendment, or repeal of a rule is necessitated by:

(1) The public health, safety, or welfare;
(2) The effective date of a recent act of the General Assembly or the United States Congress;
(3) A federal regulation; or
(4) A court order,

the agency may adopt, amend, or repeal the rule. The agency must accompany its rule filing with the chief hearing officer of the Office of Administrative Hearings and the Governor with the agency's written certification of the finding of need for the temporary rule signed by the Governor together with the reasons for that finding. In the case of the Department of Correction, in addition to the reasons set forth in subdivisions (1) through (4) of this subsection, the Department may file a temporary rule when necessary for the management and control of persons under the custody or supervision of the Department in extraordinary circumstances as certified by the Secretary. The Department shall file any temporary rule within two working days of its adoption by the Secretary under G.S. 148-11.

(c) Rules filed under subsections (a) and (b) of this section shall be effective for a period of not longer than 120 days. An agency adopting a temporary rule shall begin normal rule-making procedures on the permanent rule under this Article at the same time the temporary rule is adopted.

"§ 150A-14. *Adoption by reference.*—An agency may adopt by reference in its rules, without publishing the adopted matter in full:

(1) All or any part of a code, standard, or regulation which has been adopted by any other agency of this State or by any agency of the United States or by a generally recognized organization or association;

(2) Any plan or material which is adopted to meet the requirements of any agency of the United States and approved by that agency; or

(3) Any plan, material, manual, guide or other document establishing job application or employment practices or procedures of any State agency other than the State Personnel Commission. The State Personnel Commission, however, shall incorporate by reference in its rules job classification standards, including but not limited to those relating to qualifications and salary levels.

The reference shall fully identify the adopted matter by date and otherwise. The reference shall not cover any later amendments and editions of the adopted matter, but if the agency wishes to incorporate them in its rule it shall amend the rule or promulgate a new rule. The agency shall have available copies of the adopted matter for inspection and the rules shall state where copies of the adopted matter can be obtained and the amount of any charge for the copy as of the time the rule is adopted.

"§ 150A-15. *Continuation of rules.*—When a law authorizing or directing an agency to promulgate rules is repealed, and (i) substantially the same rule-making power or duty is vested in the same or a successor agency by a new provision of law, or (ii) the function of the agency to which the rules are related is transferred to another agency by law or executive order, the existing rules of the original agency shall continue in effect until amended or repealed, and the agency or successor agency may repeal any rule relating to the transferred duty or function. When a law creating an agency or authorizing or directing it to promulgate rules is repealed or the agency is abolished and (i) substantially the same

rule-making power or duty is not vested in the same or a successor agency by a new provision of law and (ii) the function of the agency to which the rules are related is not transferred to another agency, the existing applicable rules of the original agency are automatically repealed as of the effective date of the law repealing the agency's rule-making power or abolishing the agency.

"§ 150A-16. *Petition for adoption of rules.*—Any person may petition an agency to promulgate, amend, or repeal a rule, and may accompany his petition with such data, views, and arguments as he thinks pertinent. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition. Within 30 days after submission of a petition, the agency shall either deny the petition in writing, stating its reasons for the denial, or initiate rule-making proceedings in accordance with G.S. 150A-12 and G.S. 150A-13; provided, however, commissions and boards shall act on a petition at their next regularly scheduled meeting, but in any case no later than 120 days after submission of a petition. Denial of the petition to initiate rule making under this section shall be considered a final agency decision for purposes of judicial review.

"§ 150A-17. *Declaratory rulings.*—On request of a person aggrieved, an agency shall issue a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the agency or of a rule or order of the agency, except when the agency for good cause finds issuance of a ruling undesirable. The agency shall prescribe in its rules the circumstances in which rulings shall or shall not be issued. A declaratory ruling is binding on the agency and the person requesting it unless it is altered or set aside by the court. An agency may not retroactively change a declaratory ruling, but nothing in this section prevents an agency from prospectively changing a declaratory ruling. A declaratory ruling is subject to judicial review in the same manner as an order in a contested case. Failure of the agency to issue a declaratory ruling on the merits within 60 days of the request for such ruling shall constitute a denial of the request as well as a denial of the merits of the request and shall be subject to judicial review.

"Article 3.
"Administrative Hearings.

"§ 150A-23. *Commencement; assignment of hearing officer; hearing required; notice; intervention.*—(a) Except as provided in subsection (a1), all contested cases other than those conducted under Article 3A of this Chapter shall be commenced by the filing of a petition with the Office of Administrative Hearings. Any petition filed by a party other than an agency shall be verified or supported by affidavit and shall state facts tending to establish that the agency named as the respondent has deprived the petitioner of property, has ordered the petitioner to pay a fine or civil penalty, or has otherwise substantially prejudiced the petitioner's rights and that the agency:

(1) exceeded its authority or jurisdiction;
(2) acted erroneously;
(3) failed to use proper procedure;

(4) acted arbitrarily or capriciously; or
(5) failed to act as required by law or rule.

The parties in a contested case shall be given an opportunity for a hearing without undue delay.

All contested cases under Chapter 126 of the General Statutes shall be conducted in the Office of Administrative Hearings. Except in contested cases under Chapter 126 of the General Statutes, a party may waive the right to have a contested case conducted by a hearing officer in the Office of Administrative Hearings in the petition filed to commence the case, in which case the contested case shall be conducted by the agency. In the absence of a waiver, a contested case under this Article shall be presided over by the chief hearing officer of the Office of Administrative Hearings or a hearing officer assigned by him. In assigning hearing officers, the chief hearing officer shall attempt to use personnel having expertise in the subject to be dealt with in the hearing.

A local government employee, applicant for employment, or former employee to whom Chapter 126 of the General Statutes applies may commence a contested case under this Article in the same manner as any other petitioner. The case shall be conducted in the Office of Administrative Hearings in the same manner as other contested cases under this Article, except that the decision of the hearing officer shall be advisory only and not binding on the local appointing authority, unless (1) the hearing officer decides that the employee, applicant, or former employee has been subjected to discrimination prohibited by Article 6 of Chapter 126 of the General Statutes or (2) applicable federal standards require a binding decision. In these two cases, the hearing officer's decision shall be final.

(a1) The parties in a contested case in the Department of Human Resources shall be given an opportunity for a hearing without undue delay.

(b) The parties shall be given notice not less than 15 days before the hearing by the Office of Administrative Hearings or the agency, which notice shall include:

(1) A statement of the date, hour, place, and nature of the hearing;
(2) A reference to the particular sections of the statutes and rules involved;
(3) A short and plain statement of the factual allegations; and
(4) If the agency is the Department of Human Resources, a statement of who will conduct the hearing and that the party may request a hearing officer in the Office of Administrative Hearings as provided in G.S. 150A-32.

(c) Notice shall be given personally or by certified mail. If given by certified mail, it shall be deemed to have been given on the delivery date appearing on the return receipt. If giving of notice cannot be accomplished either personally or by certified mail, notice shall then be given in the manner provided in G.S. 1A-1, Rule 4(j1).

(d) Any person may petition to become a party by filing a motion to intervene in the manner provided in G.S. 1A-1, Rule 24. In addition, any person interested in a contested case may intervene and participate in that proceeding to the extent deemed appropriate by the hearing officer.

(e) All hearings under this Chapter shall be open to the public. Hearings shall be conducted in an impartial manner. Hearings shall be conducted according to the procedures set out in this Article, except to the extent and in the particulars that specific hearing procedures and time standards are governed by another statute.

"§ 150A-24. *Venue of hearing.*—(a) The hearing of a contested case shall be conducted:

(1) In the county in this State in which any person whose property or rights are the subject matter of the hearing maintains his residence;

(2) In the county where the agency maintains its principal office if the property or rights that are the subject matter of the hearing do not affect any person or if the subject matter of the hearing is the property or rights of residents of more than one county; or

(3) In any county determined by the agency or hearing officer in his discretion to promote the ends of justice or better serve the convenience of witnesses.

(b) Any person whose property or rights are the subject matter of the hearing waives his objection to venue by proceeding in the hearing.

"§ 150A-25. *Conduct of hearing; answer.*—(a) If a party fails to appear in a contested case after proper service of notice, and if no adjournment or continuance is granted, the agency or hearing officer may proceed with the hearing in the absence of the party.

(b) A party who has been served with a notice of hearing may file a written response, and a copy must be mailed to all other parties not less than 10 days before the date set for hearing. If the agency is the Department of Human Resources, the response may include a request for a hearing officer in the Office of Administrative Hearings as provided in G.S. 150A-32.

(c) The parties shall be given an opportunity to present arguments on issues of law and policy and an opportunity to present evidence on issues of fact.

(d) A party may cross-examine any witness, including the author of a document prepared by, on behalf of, or for use of the agency and offered in evidence. Any party may submit rebuttal evidence.

"§ 150A-26. *Consolidation.*—When contested cases involving a common question of law or fact or multiple proceedings involving the same or related parties are pending, the chief hearing officer of the Office of Administrative Hearings may order a joint hearing of any matters at issue in the cases, order the cases consolidated, or make other orders to reduce costs or delay in the proceedings. If one or more, but not all parties in a consolidated contested case in the Department of Human Resources involving multiple aggrieved persons requests a hearing officer in the Office of Administrative Hearings as provided in G.S. 150A-32, the chief hearing officer in the Office of Administrative Hearings shall decide whether to grant the request after consulting with the parties in all the contested cases involved.

"§ 150A-27. *Subpoena.*—After the commencement of a contested case, the agency or hearing officer may issue subpoenas upon his own motion

or upon a written request. When a written request for a subpoena has been made, the agency or hearing officer shall issue the requested subpoenas forthwith requiring the attendance and testimony of witnesses and the production of evidence including books, records, correspondence, and documents in their possession or under their control. Upon written request, the agency or hearing officer shall revoke a subpoena if, upon a hearing, he finds that the evidence the production of which is required does not relate to a matter in issue, or if the subpoena does not describe with sufficient particularity the evidence the production of which is required, or if for any other reason sufficient in law the subpoena is invalid. Witness fees shall be paid by the party requesting the subpoena to subpoenaed witnesses in accordance with G.S. 7A-314. However, State officials or employees who are subpoenaed shall not be entitled to witness fees, but they shall receive their normal salary and they shall not be required to take any annual leave for the witness days. Travel expenses of State officials or employees who are subpoenaed shall be reimbursed as provided in G.S. 138-6.

"§ 150A-28. *Depositions and discovery.*—(a) A deposition may be used in lieu of other evidence when taken in compliance with the Rules of Civil Procedure, G.S. 1A-1. Parties in contested cases may engage in discovery pursuant to the provisions of the Rules of Civil Procedure, G.S. 1A-1.

(b) On a request for identifiable agency records, with respect to material facts involved in a contested case, except records related solely to the internal procedures of the agency or which are exempt from disclosure by law, an agency shall promptly make the records available to a party.

"§ 150A-29. *Rules of evidence.*—(a) In all contested cases, irrelevant, immaterial and unduly repetitious evidence shall be excluded. Except as otherwise provided, the rules of evidence as applied in the trial division of the General Court of Justice shall be followed; but, when evidence is not reasonably available under the rules to show relevant facts, then the most reliable and substantial evidence available shall be admitted. It shall not be necessary for a party or his attorney to object at the hearing to evidence in order to preserve the right to object to its consideration by the agency or hearing officer in reaching his decision, or by the court on judicial review.

(b) Evidence in a contested case, including records and documents, shall be offered and made a part of the record. Factual information or evidence not made a part of the record shall not be considered in the determination of the case, except as permitted under G.S. 150A-30. Documentary evidence may be received in the form of a copy or excerpt or may be incorporated by reference, if the materials so incorporated are available for examination by the parties. Upon timely request, a party shall be given an opportunity to compare the copy with the original if available.

"§ 150A-30. *Official notice.*—Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the agency. The noticed fact and its source shall be stated and made known to affected parties at the earliest practicable

time, and any party shall on timely request be afforded an opportunity to dispute the noticed fact through submission of evidence and argument.

"§ 150A-31. *Stipulations.*—(a) The parties in a contested case may, by a stipulation in writing filed with the agency or hearing officer, agree upon any fact involved in the controversy, which stipulation shall be used as evidence at the hearing and be binding on the parties thereto. Parties should agree upon facts when practicable.

(b) Except as otherwise provided by law, disposition may be made of a contested case by stipulation, agreed settlement, consent order, waiver, default, or other method agreed upon by the parties.

"§ 150A-32. *Designation of hearing officer.*—(a) The chief hearing officer of the Office of Administrative Hearings shall assign himself or a hearing officer in the Office of Administrative Hearings to preside as hearing officer in each contested case. If a party waives the right to have a case conducted in the Office of Administrative Hearings in the petition to commence the case, an agency, one or more members of the agency, a person or group of persons designated by statute, or one or more hearing officers designated and authorized by the agency to conduct contested cases.

(a1) A party in a contested case in the Department of Human Resources who has been served with a notice of hearing may request in a response filed pursuant to G.S. 150A-25(b) that the contested case be conducted by a hearing officer in the Office of Administrative Hearings. The agency shall forthwith request the chief hearing officer in the Office of Administrative Hearings to assign himself or another hearing officer to conduct the case, and the chief hearing officer shall make the assignment. In assigning hearing officers, the chief hearing officer shall attempt to use personnel having expertise in the subject to be dealt with in the hearing.

A party waives the right to request a hearing officer in the Office of Administrative Hearings if the response is not filed at least 10 days before the date set for hearing.

(b) On the filing in good faith by a party of a timely and sufficient affidavit of personal bias or disqualification of a hearing officer, the agency shall determine the matter as a part of the record in the case, and this determination shall be subject to judicial review at the conclusion of the proceeding.

(c) When a hearing officer is disqualified or it is impracticable for him to continue the hearing, another hearing officer shall be assigned to continue with the case unless it is shown that substantial prejudice to any party will result, in which event a new hearing shall be held or the case dismissed without prejudice.

"§ 150A-33. *Powers of hearing officer.*—(a) A hearing officer shall stay any contested case under this Article on motion of an agency which is a party to the contested case, if the agency shows by supporting affidavits that it is engaged in other litigation or administrative proceedings, by whatever name called, with or before a federal agency, and this other litigation or administrative proceedings will determine the position, in whole or in part, of the agency in the contested case. At the conclusion

of the other litigation or administrative proceedings, the contested case shall proceed and be determined as expeditiously as possible.

(b) A hearing officer may:

(1) Administer oaths and affirmations;

(2) Sign and issue subpoenas in the name of the agency or the Office of Administrative Hearings, as applicable, requiring attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence;

(3) Provide for the taking of testimony by deposition;

(4) Regulate the course of the hearings, including discovery, set the time and place for continued hearings, and fix the time for filing of briefs and other documents;

(5) Direct the parties to appear and confer to consider simplification of the issues by consent of the parties;

(6) Stay the contested action by the agency pending the outcome of the case, upon such terms as he deems proper, and subject to the provisions of G.S. 1A-1, Rule 65;

(7) Determine whether the hearing shall be recorded by a stenographer or by an electronic device; and

(8) Apply to any judge of the Superior Court resident in the district or presiding at a term of court in the county where a hearing is pending for an order to show cause why any person should not be held in contempt, and the Court shall have the power to impose punishment as for contempt for acts which would constitute direct or indirect contempt if the acts occurred in an action pending in superior court.

(9) Determine that a rule as applied in a particular case is void because (1) it is not within the statutory authority of the agency, (2) is not clear and unambiguous to persons it is intended to direct, guide, or assist, or (3) is not reasonably necessary to enable the administrative agency to perform a function assigned to it by statute or to enable or facilitate the implementation of a program or policy in aid of which the rule was adopted.

"§ 150A-34. *Proposal for decision; recommended decision.*—(a) In a contested case conducted by a hearing officer other than the agency officials who will make the final decision, the hearing officer shall:

(1) Make a proposal for decision that contains his findings of fact and conclusions of law and proposed decision, opinion, order, or report;

(2) Deliver a copy of the proposal for decision to each party; and

(3) Give each party an opportunity to file exceptions and proposed findings of fact and to present written arguments to him.

(b) After considering any exceptions, proposed findings of fact, and written arguments of the parties, the hearing officer shall make a recommended decision that contains findings of fact and conclusions of law and a recommended decision, opinion, order, or report. He shall include the recommended decision in the official record prepared pursuant to G.S. 150A-37(a) and shall forward a copy of the official record to the agency.

"§ 150A-35. *No ex parte communication; exceptions.*—Unless required for disposition of an *ex parte* matter authorized by law, a member or employee of an agency assigned to make a decision or to make findings

of fact and conclusions of law in a contested case or a hearing officer shall not communicate, directly or indirectly, in connection with any issue of fact, or question of law, with any person or party or his representative, except on notice and opportunity for all parties to participate.

"§ 150A-36. *Final decision.*—A final decision or order in a contested case shall be made by the agency in writing after review of the official record as defined in G.S. 150A-37(a) and shall include findings of fact and conclusions of law. If the agency does not adopt the hearing officer's recommended decision as its final decision in a contested case conducted by a hearing officer, the agency shall include in its decision or order the specific reasons why the hearing officer's recommended decision is not adopted. A decision or order shall not be made except upon consideration of the record as a whole or such portion as may be cited by any party to the proceeding and shall be supported by substantial evidence admissible under G.S. 150A-29(a), 150A-30, or 150A-31. A copy of the decision or order shall be served upon each party personally or by certified mail addressed to the party at the latest address given by the party to the agency, and a copy shall be furnished to his attorney of record.

"§ 150A-37. *Official record.*—(a) The agency or hearing officer who conducts the hearing in a contested case shall prepare an official record of the hearing which shall include:

(1) Notices, pleadings, motions, and intermediate rulings;
(2) Questions and offers of proof, objections, and rulings thereon;
(3) Evidence presented;
(4) Matters officially noticed, except matters so obvious that a statement of them would serve no useful purpose;
(5) The hearing officer's proposal for decision and exceptions and proposed findings of fact; and
(6) The hearing officer's recommended decision, opinion, order, or report.

(b) Proceedings at which oral evidence is presented shall be recorded, but need not be transcribed unless requested by a party. Each party shall bear the cost of the transcript or part thereof or copy of said transcript or part thereof which said party requests, and said transcript or part thereof shall be added to the official record as an exhibit.

"Article 3A.
"Other Administrative Hearings.

"§ 150A-38. *Scope; hearing required; notice; venue.*—(a) The provisions of this Article shall apply to the following agencies:

(1) Occupational licensing agencies;
(2) The State Banking Commission, the Commissioner of Banks, the Savings and Loan Division of the Department of Commerce, and the Credit Union Division of the Department of Commerce; and
(3) The Department of Insurance and the Commissioner of Insurance.

(b) Prior to any agency action in a contested case, the agency shall give the parties in the case an opportunity for a hearing without undue delay and notice not less than 15 days before the hearing. Notice to the parties shall include:

(1) A statement of the date, hour, place, and nature of the hearing;

(2) A reference to the particular sections of the statutes and rules involved; and

(3) A short and plain statement of the facts alleged.

(c) Notice shall be given personally or by certified mail. If given by certified mail, notice shall be deemed to have been given on the delivery date appearing on the return receipt. If notice cannot be given personally or by certified mail, then notice shall be given in the manner provided in G.S. 1A-1, Rule 4(j1).

(d) A party who has been served with a notice of hearing may file a written response with the agency. If a written response is filed, a copy of the response must be mailed to all other parties not less than 10 days before the date set for the hearing.

(e) All hearings conducted under this Article shall be open to the public. A hearing conducted by the agency shall be held in the county where the agency maintains its principal office. A hearing conducted for the agency by a hearing officer requested under G.S. 150A-40 shall be held in a county in this State where any person whose property or rights are the subject matter of the hearing resides. If a different venue would promote the ends of justice or better serve the convenience of witnesses, the agency or the hearing officer may designate another county. A person whose property or rights are the subject matter of the hearing waives his objection to venue if he proceeds in the hearing.

(f) Any person may petition to become a party by filing with the agency or hearing officer a motion to intervene in the manner provided by G.S. 1A-1, Rule 24. In addition, any person interested in a contested case under this Article may intervene and participate to the extent deemed appropriate by the agency hearing officer.

(g) When contested cases involving a common question of law or fact or multiple proceedings involving the same or related parties are pending before an agency, the agency may order a joint hearing of any matters at issue in the cases, order the cases consolidated, or make other orders to reduce costs or delay in the proceedings.

(h) Every agency shall adopt rules governing the conduct of hearings that are consistent with the provisions of this Article.

"§ 150A-39. *Depositions; discovery; subpoenas.*—(a) A deposition may be used in lieu of other evidence when taken in compliance with the Rules of Civil Procedure, G.S. 1A-1. Parties in a contested case may engage in discovery pursuant to the provisions of the Rules of Civil Procedure, G.S. 1A-1.

(b) Upon a request for an identifiable agency record involving a material fact in a contested case, the agency shall promptly provide the record to a party, unless the record relates solely to the agency's internal procedures or is exempt from disclosure by law.

(c) An agency may issue subpoenas in preparation for, or in the conduct of, a contested case upon its own motion. If a written request is made by a party in a contested case, an agency shall issue subpoenas forthwith requiring the attendance and testimony of witnesses and the production of evidence including books, records, correspondence, and documents in their possession or under their control. Upon written request, the agency shall revoke a subpoena if, upon a hearing, the agency

finds that the evidence, the production of which is required, does not relate to a matter in issue, or if the subpoena does not describe with sufficient particularity the evidence the production of which is required, or if for any other reason sufficient in law the subpoena is invalid. Witness fees shall be paid by the party requesting the subpoena to subpoenaed witnesses in accordance with G.S. 7A-314. However, State officials or employees who are subpoenaed shall not be entitled to any witness fees, but they shall receive their normal salary and they shall not be required to take any annual leave for the witness days. Travel expenses of State officials or employees who are subpoenaed shall be reimbursed as provided in G.S. 138-6.

"§ 150A-40. *Conduct of hearing; presiding officer; ex parte communication.*—(a) Hearings shall be conducted in a fair and impartial manner. At the hearing, the agency and the parties shall be given an opportunity to present evidence on issues of fact, examine and cross-examine witnesses, including the author of a document prepared by, on behalf of or for the use of the agency and offered into evidence, submit rebuttal evidence, and present arguments on issues of law or policy.

If a party fails to appear in a contested case after he has been given proper notice, the agency may continue the hearing or proceed with the hearing and make its decision in the absence of the party.

(b) Except as provided under subsection (e) of this section, hearings under this Article shall be conducted by a majority of the agency. An agency shall designate one or more of its members to preside at the hearing. If a party files in good faith a timely and sufficient affidavit of the personal bias or other reason for disqualification of any member of the agency, the agency shall determine the matter as a part of the record in the case, and its determination shall be subject to judicial review at the conclusion of the proceeding. If a presiding officer is disqualified or it is impracticable for him to continue the hearing, another presiding officer shall be assigned to continue with the case, except that if assignment of a new presiding officer will cause substantial prejudice to any party, a new hearing shall be held or the case dismissed without prejudice.

(c) The presiding officer may:

(1) Administer oaths and affirmations;

(2) Sign and issue subpoenas in the name of the agency, requiring attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence;

(3) Provide for the taking of testimony by deposition;

(4) Regulate the course of the hearings, set the time and place for continued hearings, and fix the time for filing of briefs and other documents;

(5) Direct the parties to appear and confer to consider simplification of the issues by consent of the parties; and

(6) Apply to any judge of the superior court resident in the district or presiding at a term of court in the county where a hearing is pending for an order to show cause why any person should not be held in contempt of the agency and its processes, and the court shall have the power to impose punishment as for contempt for

acts which would constitute direct or indirect contempt if the acts occurred in an action pending in superior court.

(d) Unless required for dispositon of an *ex parte* matter authorized by law, a member of an agency assigned to make a decision or to make findings of fact and conclusions of law in a contested case under this Article shall not communicate, directly or indirectly, in connection with any issue of fact or question of law, with any person or party or his representative, except on notice and opportunity for all parties to participate. This prohibition begins at the time of the notice of hearing. An agency member may communicate with other members of the agency and may have the aid and advice of the agency staff other than the staff which has been or is engaged in investigating or prosecuting functions in connection with the case under consideration or a factually related case. This section does not apply to an agency employee or party representative with professional training in accounting, actuarial science, economics or financial analysis insofar as the case involves financial practices or conditions.

(e) When a majority of an agency is unable or elects not to hear a contested case, the agency shall apply to the chief hearing officer of the Office of Administrative Hearings for the designation of a hearing officer to preside at the hearing of a contested case under this Article. Upon receipt of the application, the chief hearing officer shall, without undue delay, assign a hearing officer to hear the case.

The provisions of this Article, rather than the provisions of Article 3, shall govern a contested case in which the agency requests a hearing officer from the Office of Administrative Hearings.

The hearing officer assigned to hear a contested case under this Article shall sit in place of the agency and shall have the authority of the presiding officer in a contested case under this Article. The hearing officer shall make a proposal for decision, which shall contain proposed findings of fact and proposed conclusions of law.

A hearing officer shall stay any contested case under this Article on motion of an agency which is a party to the contested case, if the agency shows by supporting affidavits that it is engaged in other litigation or administrative proceedings, by whatever name called, with or before a federal agency, and this other litigation or administrative proceedings will determine the position, in whole or in part, of the agency in the contested case. At the conclusion of the other litigation or administrative proceedings, the contested case shall proceed and be determined as expeditiously as possible.

The agency may make its final decision only after the hearing officer's proposal for decision is served on the parties, and an opportunity is given to each party to file exceptions and proposed findings of fact and to present oral and written arguments to the agency.

"§ 150A-41. *Evidence; stipulations; official notice.*—(a) In all contested cases, irrelevant, immaterial, and unduly repetitious evidence shall be excluded. Except as otherwise provided, the rules of evidence as applied in the trial division of the General Court of Justice shall be followed; but, when evidence is not reasonably available under such rules to show relevant facts, they may be shown by the most reliable and substantial

evidence available. It shall not be necessary for a party or his attorney to object to evidence at the hearing in order to preserve the right to object to its consideration by the agency in reaching its decision, or by the court of judicial review.

(b) Evidence in a contested case, including records and documents shall be offered and made a part of the record. Other factual information or evidence shall not be considered in determination of the case, except as permitted under G.S. 150A-30. Documentary evidence may be received in the form of a copy or excerpt or may be incorporated by reference, if the materials so incorporated are available for examination by the parties. Upon timely request, a party shall be given an opportunity to compare the copy with the original if available.

(c) The parties in a contested case under this Article by a stipulation in writing filed with the agency may agree upon any fact involved in the controversy, which stipulation shall be used as evidence at the hearing and be binding on the parties thereto. Parties should agree upon facts when practicable. Except as otherwise provided by law, disposition may be made of a contested case by stipulation, agreed settlement, consent order, waiver, default, or other method agreed upon by the parties.

(d) Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the agency. The noticed fact and its source shall be stated and made known to affected parties at the earliest practicable time, and any party shall on timely request be afforded an opportunity to dispute the noticed fact through submission of evidence and argument. An agency may use its experience, technical competence, and specialized knowledge in the evaluation of evidence presented to it.

"§ 150A-42. *Final agency decision; official record.*—(a) After compliance with the provisions of G.S. 150A-40(e), if applicable, and review of the official record, as defined in subsection (b) of this section, an agency shall make a written final decision or order in a contested case. The decision or order shall include findings of fact and conclusions of law. Findings of fact shall be based exclusively on the evidence and on matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting them. A decision or order shall not be made except upon consideration of the record as a whole or such portion thereof as may be cited by any party to the proceeding and shall be supported by substantial evidence admissible under G.S. 150A-41. A copy of the decision or order shall be served upon each party personally or by certified mail addressed to the party at the latest address given by the party to the agency and a copy shall be furnished to his attorney of record.

(b) An agency shall prepare an official record of a hearing that shall include:

(1) Notices, pleadings, motions, and intermediate rulings;
(2) Questions and offers of proof, objections, and rulings thereon;
(3) Evidence presented;
(4) Matters officially noticed, except matters so obvious that a statement of them would serve no useful purpose;
(5) Proposed findings and exceptions; and

(6) Any decision, opinion, order, or report by the officer presiding at the hearing and by the agency.

(c) Proceedings at which oral evidence is presented shall be recorded, but need not be transcribed unless requested by a party. Each party shall bear the cost of the transcript or part thereof or copy of said transcript or part thereof which said party requests.

"Article 4.
"Judicial Review.

"§ 150A-43. *Right to judicial review.*—Any person who is aggrieved by the final decision in a contested case, and who has exhausted all administrative remedies made available to him by statute or agency rule, is entitled to judicial review of the decision under this Article, unless adequate procedure for judicial review is provided by another statute, in which case the review shall be under such other statute. Nothing in this Chapter shall prevent any person from invoking any judicial remedy available to him under the law to test the validity of any administrative action not made reviewable under this Article.

"§ 150A-44. *Right to judicial intervention when decision unreasonably delayed.*—Unreasonable delay on the part of any agency or hearing officer in taking any required action shall be justification for any person whose rights, duties, or privileges are adversely affected by such delay to seek a court order compelling action by the agency or hearing officer.

"§ 150A-45. *Manner of seeking review; time for filing petition; waiver.*—In order to obtain judicial review of a final decision under this Chapter, the party seeking review must file a petition in the Superior Court of Wake County or in the superior court of the county where the petitioner resides. The petition may be filed at any time after final decision but must be filed not later than 30 days after a written copy of the decision is served upon the party seeking the review by personal service or by certified mail. Failure to file a petition within the time stated shall operate as a waiver of the right of such party to review under this Chapter, except that, for good cause shown, a judge of the superior court resident in the district or holding court in the county where venue is proper may issue an order permitting a review of the agency decision under this Chapter notwithstanding such waiver.

"§ 150A-46. *Contents of petition; copies served on all parties; intervention.*—The petition shall explicitly state what exceptions are taken to the decision or procedure and what relief the petitioner seeks. Within 10 days after the petition is filed with the court, the party seeking the review shall serve copies of the petition by personal service or by certified mail upon all who were parties of record to the administrative proceedings. Names and addresses of such parties shall be furnished to the petitioner by the agency upon request. Any party to the administrative proceeding may become a party to the review proceedings by notifying the court within 10 days after receipt of the copy of the petition.

Any person aggrieved may petition to become a party by filing a motion to intervene as provided in G.S. 1A-1, Rule 24.

"§ 150A-47. *Records filed with clerk of superior court; contents of records; costs.*—Within 30 days after receipt of the copy of the petition for

review, or within such additional time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the official record of the hearing in the contested case under review. With the permission of the court, the record may be shortened by stipulation of all parties to the review proceedings. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for such additional costs as may be occasioned by the refusal. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

"§ 150A-48. *Stay of decision.*—At any time before or during the review proceeding, the person aggrieved may apply to the reviewing court for an order staying the operation of the administrative decision pending the outcome of the review. The court may grant or deny the stay in its discretion upon such terms as it deems proper and subject to the provisions of G.S. 1A-1, Rule 65.

"§ 150A-49. *New evidence.*—In a review proceeding under this Article, any party may present evidence not contained in the record that is not repetitive.

"§ 150A-50. *Review by court without jury.*—The review of agency decisions under this Chapter shall be conducted by the court without a jury.

"§ 150A-51. *Scope of review; power of court in disposing of case.*—Based on the record and the evidence presented to the court, the court may affirm, reverse, or modify the decision or remand the case to the agency for further proceedings.

"§ 150A-52. *Appeal to appellate division; obtaining stay of court's decision.*—Any party to the review proceedings, including the agency, may appeal to the appellate division from the final judgment of the superior court under rules of procedure applicable in other civil cases. The appealing party may apply to the superior court for a stay of its final determination, or a stay of the administrative decision, whichever shall be appropriate, pending the outcome of the appeal to the appellate division.

"Article 5.
"Publication of Administrative Rules.

"§ 150A-58. *Short title.*—This Article may be cited as 'The Registration of State Administrative Rules Act'.

"§ 150A-59. *Filing of rules and executive orders.*—(a) Rules adopted by an agency and executive orders of the Governor shall be filed with the chief hearing officer of the Office of Administrative Hearings. No rule, except temporary rules adopted under the provisions of G.S. 150A-13 or curative rules adopted pursuant to G.S. 143B-29.2(d), shall become effective earlier than the first day of the second calendar month after that filing.

(b) The acceptance for filing of a rule by the chief hearing officer, by his notation on its face, shall constitute *prima facie* evidence of compliance with this Article.

(c) Rules adopted by an agency subject to the provisions of Article 2 of this Chapter in effect on January 1, 1986, that conflict with or violate the provisions of G.S. 150A-9(c) are repealed. Rules adopted by an agency

subject to the provisions of Article 2 of this Chapter in effect on January 1, 1986, that do not conflict with or violate the provisions of G.S. 150A-9(c) shall remain in effect until June 30, 1986. These rules are repealed effective July 1, 1986, unless approved by the General Assembly on or before June 30, 1986. The approval of rules by the General Assembly shall not be deemed to enact the approved rules or to prohibit their subsequent amendment, repeal or recodification under the provisions of this Chapter. Rules adopted on or after January 1, 1986, shall become effective as provided in this Chapter.

"§ 150A-60. *Form of rules; responsibilities of agencies; assistance to agencies.*—(a) In order to be acceptable for filing, the rule must:

(1) Cite the statute or other authority pursuant to which the rule is adopted;
(2) Bear a certification by the agency of its adoption;
(3) Cite any prior rule or rules of the agency or its predecessor in authority which it rescinds, amends, supersedes, or supplements;
(4) Be in the physical form specified by the chief hearing officer of the Office of Administrative Hearings; and
(5) Bear a notation by the Governor that the rule has been submitted in accordance with G.S. 143A-55.3(c). This subdivision does not apply to rules adopted by the Industrial Commission, or by the Utilities Commission, or to rules adopted by the Department of Transportation relating to traffic sign ordinances or road and bridge weight limits.

(b) Each agency shall designate one or more administrative procedure coordinators whose duties shall be to oversee all departmental functions required by this Chapter. The coordinator's duties shall include providing notice of public hearings; serving as liaison between the agency and the Office of Administrative Hearings, the Administrative Rules Review Commission and the public; and coordinating access to agency rules.

(c) The chief hearing officer of the Office of Administrative Hearings shall:

(1) Maintain an agency rule-drafting section in the Office of Administrative Hearings to draft or aid in the drafting of rules or amendments to rules for any agency; and
(2) Prepare and publish an agency rule-drafting guide which sets out the form and method for drafting rules and amendments to rules, and to which all rules shall comply.

"§ 150A-61. *Authority to revise form.*—(a) The chief hearing officer of the Office of Administrative Hearings shall have the authority, following acceptance of a rule for filing, to revise the form of the rule as follows:

(1) To rearrange the order of rules, Chapters, Subchapters, Articles, sections, paragraphs, and other divisions or subdivisions;
(2) To provide or revise titles or catch lines;
(3) To reletter or renumber the rules and various subdivisions in accordance with a uniform system;
(4) To rearrange definitions and lists; and
(5) To make other changes in arrangement or in form that do not alter the substance of the rule and that are necessary or desirable for an accurate, clear, and orderly arrangement of the rules.

Revision of form by the chief hearing officer shall not alter the effective date of a rule, nor shall revision require the agency to readopt or to refile the rule. No later than the close of the fifth working day after the filing of a rule by an agency, the chief hearing officer shall return to the agency that filed the rule a copy of the rule in any revised form made by the chief hearing officer, together with his certification of the date of the rule's filing.

The rule so revised as to form shall be substituted for and shall bear the date of the rule originally filed, and shall be the official rule of the agency.

(b) In determining the drafting form of rules the chief hearing officer shall:

(1) Minimize duplication of statutory language;

(2) Not permit incorporations into the rules by reference to publications or other documents which are not conveniently available to the public; and

(3) To the extent practicable, use plain language in rules and avoid technical language.

"§ 150A-62. *Public inspection and notification of current and replaced rules.*.—(a) Immediately upon notation of a filing as specified in G.S. 150A-59(b), the chief hearing officer of the Office of Administrative Hearings shall make the rule available for public inspection during regular office hours. Superseded, amended, revised, and rescinded rules filed in accordance with the provisions of this Article shall remain available for public inspection. The current and the prior rules so filed shall be separately arranged in compliance with the provisions of G.S. 150A-61(a).

(b) The chief hearing officer shall make copies of current and prior rules, filed in accordance with the provisions of this Article, available to the public at a cost to be determined by him.

(c) Within 50 days of the acceptance by the chief hearing officer of a rule for filing, the agency filing the rule:

(1) Shall publish the rule as prescribed in any applicable statute; and

(2) May distribute the rule in a manner selected by the agency as best calculated to give notice to persons likely to be affected by the rule.

The rule so published or distributed shall contain the legend: 'The form of this rule may be revised by the chief hearing officer pursuant to the provisions of G.S. 150A-61.'

"§ 150A-63. *Publication of executive orders and rules; the North Carolina Register.*—(a) The chief hearing officer of the Office of Administrative Hearings shall compile, index and publish executive orders of the Governor and all rules filed and effective pursuant to the provisions of this Article.

(b) As nearly as practicable the compilation shall, in classification, arrangement, numbering, and indexing, conform to the organization of the General Statutes.

(c) If the chief hearing officer determines that publication of any rule would be impracticable, he shall substitute a summary with specific reference to the official rule on file in his office.

(d) As soon as practicable after July 1, 1985, the chief hearing officer shall publish, in print or other form, a compilation of all rules in force pursuant to the provisions of this Article. Cumulative supplements shall be published annually or more frequently in the discretion of the chief hearing officer. Recompilations shall be made in the chief hearing officer's discretion.

(d1) The chief hearing officer shall also publish at periodic intervals, but not less often than once each month, the North Carolina Register which shall contain information relating to agency, executive, legislative or judicial actions that are performed under the authority of, or are required by, or are issued to interpret, or that otherwise affect, this Chapter.

(d2) In publishing proposed amendments to rules, the chief hearing officer shall show the portion of the rule being amended as it is to the degree necessary to provide adequate notice of the nature of the proposed amendment, with changes shown by striking through portions to be deleted and underlining portions to be added.

(e) Reference copies of the compilation, supplements, and recompilations of the rules, and the North Carolina Register shall be distributed by the chief hearing officer as soon after publication as practicable, without charge, to the following officials and departments:

(1) One copy to each county of the State, which copy may be maintained for public inspection in the county in a place determined by the county commissioners; one copy each to the clerk of the Supreme Court of North Carolina and the clerk of the North Carolina Court of Appeals; one copy each to the libraries of the Supreme Court of North Carolina and the North Carolina Court of Appeals; one copy to the office of the Governor; and five copies to the Legislative Services Commission for the use of the General Assembly;

(2) One copy to each State official and department to which copies of the appellate division reports are furnished under G.S. 7A-343.1;

(3) Five copies to the Division of State Library of the Department of Cultural Resources, pursuant to G.S. 147-50.1; and

(4) One copy of the North Carolina Register to each member of the General Assembly.

(f) The chief hearing officer shall make available copies of the compilation, supplements and recomputations of the rules and the North Carolina Register to other persons at a price determined by him to cover publication and mailing costs. All monies received by the Office of Administrative Hearings pursuant to this section from the sale of copies of said publications shall be deposited in the State treasury in a special funds account to be held in trust for the Office of Administrative Hearings to defray the expense of future recompilation, publication, and distribution of such documents. All monies involved shall be subject to audit by the State Auditor.

(g) Notwithstanding any other provision of law, the Employment Security Commission shall, within 15 days of adoption, file all rules adopted by it with the chief hearing officer for public inspection and

publication purposes only. The chief hearing officer shall compile, make available for inspection, and publish the rules filed under this subsection in the same manner as is provided for other rules.

"§ 150A-63.1. *Administrative Rules Review Commission reports.*—The chief hearing officer of the Office of Administrative Hearings shall retain any reports of the Administrative Rules Review Commission's objection to a rule. He shall append to any compilation, publication, or summation of that rule a notation that it has been objected to pursuant to G.S. 143A-55.3 or 143A-55.4 and, where applicable, that the objection has been removed.

"§ 150A-64. *Judicial and official notice.*—Judicial or official notice shall be taken of any rule effective under this Article."

Sec. 2. Chapter 7A of the General Statutes is amended by adding a new Subchapter XII to read:

"Subchapter XII Administrative Hearings.
"Article 60.
"Office of Administrative Hearings.

"§ 7A-750. *Creation; status; purpose.*—There is created an Office of Administrative Hearings. The Office of Administrative Hearings is an independent, quasi-judicial agency under Article III, Section 11 of the Constitution and, in accordance with Article IV, Section 3 of the Constitution, has such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which it is created. The Office of Administrative Hearings is established to provide a source of independent hearing officers to preside in administrative cases and thereby prevent the commingling of legislative, executive, and judicial functions in the administrative process. It shall also maintain dockets and records of contested cases and shall codify and publish all administrative rules.

"§ 7A-751. *Director; powers and duties.*—The head of the Office of Administrative Hearings is the Director. He shall serve as the chief hearing officer of the Office of Administrative Hearings and shall have the powers and duties conferred on him by this Chapter and the Constitution and laws of this State.

The Office of Administrative Hearings is designated the official deferral agency under Section 706 of the Civil Rights Act of 1964, as amended, for all charges filed on a timely basis with the Equal Employment Opportunity Commission by any State or local government employee covered under Chapter 126 of the General Statutes. The Office of Administrative Hearings may contract with the Equal Employment Opportunity Commission to become a 706 deferral agency and may conduct necessary investigations and informal hearings or fact-finding proceedings. The Office of Administrative Hearings may prepare investigation reports with the findings, conclusions, and determinations of probable cause that a 706 deferral agency is required to make and may take other actions required for it to function as a 706 deferral agency for State and local employees covered under Chapter 126 of the General Statutes. Proceedings conducted by the Office of Administrative Hearings

as a 706 deferral agency are not contested cases as defined in G.S. 150A-2(2).

"§ 7A-752. *Director; appointments; vacancy.*—The Director of the Office of Administrative Hearings shall be appointed by the Chief Justice for a term of office of four years. The first chief hearing officer shall be appointed as soon as practicable for a term to begin on the day of his appointment and to end on June 30, 1989. Successors to the first chief hearing officer shall be appointed for a term to begin on July 1 of the year the preceding term ends and to end on June 30 four years later. A chief hearing officer may continue to serve beyond his term until his successor is duly appointed and sworn, but any holdover shall not affect the expiration date of the succeeding term.

If the Director is absent or unable to serve temporarily for any reason, the senior hearing officer present may perform the duties of Director and chief hearing officer. Seniority among hearing officers shall be determined by length of service as hearing officer, date of admission to practice law in the General Court of Justice, and age, in that order.

"§ 7A-753. *Additional hearing officers; appointment; specialization.*—The Director shall appoint five additional hearing officers to serve in the Office of Administrative Hearings.

The Director may, with the approval of the Chief Justice, designate certain hearing officers as having the experience and expertise to preside at specific types of contested cases and assign only these designated hearing officers to preside at those cases.

"§ 7A-754. *Qualifications; standards of conduct; removal.*—Only persons duly authorized to practice law in the General Court of Justice shall be eligible for appointment as the Director and chief hearing officer or as a hearing officer in the Office of Administrative Hearings. Neither the chief hearing officer nor any hearing officer may engage in the private practice of law as defined in G.S. 84-2.1 while in office; violation of this provision shall be grounds for removal. Each hearing officer shall take the oaths required by Chapter 11 of the General Statutes. A hearing officer may be removed from office by the Director of the Office of Administrative Hearings for just cause, as that term is used in G.S. 126-35.

"§ 7A-755. *Expenses reimbursed.*—The Director of the Office of Administrative Hearings and all hearing officers shall be reimbursed for travel and subsistence expenses at the rates allowed to State officers and employees by G.S. 138-6(a).

"§ 7A-756. *Power to administer oaths and issue subpoenas.*—The chief hearing officer and all hearing officers in the Office of Administrative Hearings may, in connection with any pending or potential contested case under Chapter 150A:

(1) Administer oaths and affirmations;
(2) Sign and issue subpoenas in the name of the Office of Administrative Hearings requiring attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence; and
(3) Apply to the General Court of Justice, Superior Court Division, for any order necessary to enforce the powers conferred in this Article.

"§ 7A-757. *Temporary hearing officers; appointments; powers and standards; fees.*—When regularly appointed hearing officers are unavailable, the Director of the Office of Administrative Hearings may contract with qualified individuals to serve as hearing officers for specific assignments. A temporary hearing officer shall have the same powers and adhere to the same standards as a regular hearing officer in the conduct of a hearing. These temporary hearing officers shall not be employees of the State but shall be remunerated for their service at a rate not to exceed three hundred dollars ($300.00) per day and shall be reimbursed for travel and subsistence expenses at the rate allowed to State officers and employees by G.S. 138-6(a).

"§ 7A-758. *Availability of hearing officer to exempt agencies.*—The Director of the Office of Administrative Hearings may, upon request of the head of the agency, provide a hearing officer to preside at hearings of public bodies not otherwise authorized or required by statute to utilize a hearing officer from the Office of Administrative Hearings including, but not limited to, State agencies exempt from the provisions of Chapter 150A, municipal corporations or other subdivisions of the State, and agencies of such subdivisions."

Sec. 3. Each agency subject to Articles 2 and 5 of Chapter 150A of the General Statutes shall, not later than November 1, 1985, review its rules and report to the General Assembly in the form prescribed by the chief hearing officer of the Office of Administrative Hearings which rules it recommends should continue to be in effect after July 1, 1986. The report shall be in writing on an individual rule basis and, as to each rule, the agency shall state:

(1) The purpose of the rule;
(2) Whether the rule must be filed under the definition of a rule in G.S. 150A-2(8a);
(3) Whether the power to adopt the rule is specifically conferred on the agency by statute or other legislative enactment;
(4) Whether the rule imposes a criminal penalty;
(5) Whether the rule minimizes the duplicating of statutory language;
(6) Whether any documents incorporated in the rule by reference are conveniently available to the public; and
(7) Whether the rule, to the extent practicable, uses plain language.

Sec. 4. All personnel and equipment presently assigned to the Department of Justice for the purpose of carrying out the provisions of Article 5, Chapter 150A of the General Statutes, are transferred to the Office of Administrative Hearings by a Type I transfer as defined by G.S. 143A-6(a).

Sec. 5. Article 6 of Chapter 143A of the General Statutes is amended by adding the following sections at the end to read:

"§ 143A-55.2. *Administrative Rules Review Commission established.*—The Administrative Rules Review Commission is hereby created in the Department of Justice. The Commission shall consist of eight members to be appointed by the General Assembly, four upon the recommendation of the President of the Senate, and four upon the recommendation of the Speaker of the House of Representatives. These appointments shall be made in accordance with G.S. 120-121, and vacancies

in these appointments shall be filled in accordance with G.S. 120-122. All appointees shall serve two-year terms. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, ineligibility, death, or disability of any member shall be for the balance of the unexpired term. The chairman shall be elected by the Commission.

The Commission shall meet at such times and places as the chairman shall designate but in any event shall meet at least once a month.

Members of the Commission who are not officers or employees of the State shall receive compensation of two hundred dollars ($200.00) for each day or part of a day of service plus reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5. Members of the Commission who are officers or employees of the State shall receive reimbursement for travel and subsistence at the rate set out in G.S. 138-6.

A quorum of the Commission shall consist of five members of the Commission.

"§ 143A-55.3. *Review of rules.*—(a) As used in this Article:

'Agency' means an agency subject to the provisions of Article 2 of Chapter 150A of the General Statutes.

'Contested case' has the same meaning as is set out in G.S. 150A-2(2).

'Rule' has the same meaning as is set out in G.S. 150A-2(8a).

(b) Rules adopted by an agency to be effective on or after July 1, 1985, shall be filed in the Office of the Governor prior to the filing made with the chief hearing officer of the Office of Administrative Hearings pursuant to G.S. 150A-59.

(c) After a rule is filed with the Governor, he shall submit it to the Commission which shall determine whether the rule:

(1) Is within the statutory authority of the agency;

(2) Is clear and unambiguous to persons it is intended to direct, guide, or assist;

(3) Is reasonably necessary to enable the administrative agency to perform a function assigned to it by statute or to enable or facilitate the implementation of a program or policy in aid of which the rule was adopted.

The Commission shall review a rule submitted to it by the Governor not later than the last day of the first calendar month following the filing of the rule with the Governor. The Commission, by a majority vote of the members present and voting, may extend the time for review of a rule by 60 days to obtain additional information on a rule. The Commission shall file notice of the extension of time for review of a rule with the agency and the chief hearing officer of the Office of Administrative Hearings. Upon that filing, the effectiveness of the rule is delayed for a 60-day period.

(d) If the Commission finds that an agency did not act within its statutory authority in promulgating a rule or a part of a rule, or that a rule is not clear and unambiguous, or that a rule is unnecessary, the Commission shall object and delay the effectiveness of the rule or part of the rule. The Commission shall transmit to the agency, the Governor, the President of the Senate, the Speaker of the House of Representatives, the chief hearing officer of the Office of Administrative Hearings and the Attorney General a written report of the objection and delay of the rule

or its part and the reasons for the delay. The delay of the effectiveness of the rule or its part is effective when the chief hearing officer of the Office of Administrative Hearings receives the written report transmitted by the Commission. A rule or its part that is delayed is not 'effective', as defined by G.S. 150A-2(2a).

(e) Within 30 days after receipt of the Commission's written report, the agency shall either (1) revise a rule to remove the cause of the objections of the Commission and return the revised rule to the Commission or (2) return the rule to the Commission without change with the Commission's objections attached.

(f) While the effectiveness of a rule or its part is delayed, the agency that has promulgated it may not adopt another rule that has substantially identical provisions to those for which the Commission delayed the effectiveness of the original rule or part of a rule.

(g) The filing of an amendment to a rule places the entire rule before the Commission for its review.

(h) If an agency does not amend or repeal a delayed rule to cure the defects cited as reasons for the Commission's objection and delay, the Commission shall disallow the rule. The Commission shall transmit to the agency, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chief hearing officer of the Office of Administrative Hearings the written report of the disallowance of the rule. A rule that is disallowed is not 'effective', as defined by G.S. 150A-2(2a).

"§ 143A-55.4. *Temporary rules.*—Rules adopted in accordance with the procedures in G.S. 150A-13 shall be reviewed by the Commission and are subject to objection as provided in G.S. 143A-55.3. The Commission shall review the reasons given for the adoption of a temporary rule and may disallow the rule due to the agency's failure to make the finding required by G.S. 150A-13.

"§ 143A-55.5. *Hearings.*—(a) Notwithstanding the time limitation on review of rules contained in G.S. 143A-55.3, the chairman of the Commission may at any time call a public hearing before the Commission on any rule or part of a rule upon the recommendation of the Commission or upon motion of any member of the Commission. Within 60 days after the public hearing, the Commission may find that the agency did not act within its statutory authority in promulgating the rule, or that the rule is not clear and unambiguous or that the rule is unnecessary, and object to the rule in accordance with G.S. 143A-55.3.

(b) At least 15 days before the hearing, notice of the hearing shall be given to the rule-making agency and to such other persons that desire to be heard, that the chairman of the Commission considers to be persons that may be affected by the rule or that may request copies of the notice.

"§ 143A-55.6. *Failure to object and delay; inadmissibility into evidence.*—(a) The failure of the Commission to object to and delay the effectiveness of a rule or its part shall not be deemed to be approval of the statutory authority of the rule or its part by the Commission.

(b) Evidence of the Commission's failure to object to and delay the effectiveness of a rule or its part shall be inadmissible in all civil or

criminal trials or other proceedings before courts, administrative agencies or other tribunals."

Sec. 6. G.S. 120-123 is amended by adding a new subsection to read:

"(1a) The Administrative Rules Review Commission as established by G.S. 143A-55.2."

Sec. 7. G.S. 143B-29.1 through G.S. 143B-29.5 are repealed. The Governor's Rules Review Commission established by Chapter 927 of the 1983 Session Laws is abolished and the terms of the members shall terminate on the effective date of this act.

Sec. 8. G.S. 147-16.1 is rewritten to read:

"§ 147-16.1. *Publication of executive orders.*—Executive orders of the Governor shall be filed and published as provided by Article 5 of Chapter 150A of the General Statutes."

Sec. 9. The initial salary of the chief hearing officer of the Office of Administrative Hearings shall be forty-eight thousand two hundred sixteen dollars ($48,216) annually, payable monthly (equivalent to Grade 86, step 3 of the salary plan for State employees). The initial salary of a hearing officer in the Office of Administrative Hearings shall be forty-one thousand seven hundred sixty dollars ($41,760) annually, payable monthly (equivalent to Grade 83, step 3 of the salary plan for State employees).

Sec. 10. The last sentence of Section 52 of Chapter 923, Session Laws of 1983, is repealed.

Sec. 11. Section 1 of Chapter 883, Session Laws of 1983, is repealed.

Sec. 12. If any provision of this act or its application to any person or circumstances is held invalid by any court of competent jurisdiction, the invalidity will not affect other provisions or applications that can be given effect without the invalid provision or application; and to this end the provisions of this act are severable.

Sec. 13. G.S. 143B-18 is amended by rewriting the second paragraph to read:

"A public hearing with at least 30 days' notice advertised in the North Carolina Register shall be required prior to the adoption of any rules other than rules inapplicable to the public at large intended solely as administrative procedures of the Commission."

Sec. 14. The notice publication requirements of G.S. 150A-12(c) shall be deemed to be met if an agency publishes notice in three newspapers with general circulation prior to the first publication of the North Carolina Register.

Sec. 15. G.S. 126-37 is amended by rewriting the second, third, fourth and fifth sentences to read:

"Appeals involving disciplinary action or alleged discrimination shall be conducted in the Office of Administrative Hearings as provided in Article 3 of Chapter 150A of the General Statutes. The State Personnel Commission shall make a final decision in these cases as provided in G.S. 150A-36."

Sec. 16. G.S. 126-40 is repealed.

Sec. 17. G.S. 126-43 is rewritten to read:

"§ 126-43. *The Administrative Procedure Act.*—The provisions of Article 3 of Chapter 150A of the General Statutes shall apply to all

hearings required by this Chapter, except as otherwise provided in this Article. A contested case under this Chapter shall be commenced as provided in Article 3 of Chapter 150A of the General Statutes within the time limits set out in this Chapter."

Sec. 18. G.S. 143-135.3 is amended by adding a new paragraph at the end to read:

"Chapter 150A of the General Statutes shall not apply to claims filed in accordance with this section."

Sec. 18.1. G.S. 7A-752 is amended by deleting the words "Chief Justice" and substituting the words "Attorney General".

Sec. 18.2. The President of the Senate and the Speaker of the House of Representatives shall request the Supreme Court to issue an advisory opinion on the constitutionality of Sections 5 and 6 of this act and the appointment of the chief hearing officer by the Chief Justice as provided in G.S. 7A-752 in Section 2 of this act.

Sec. 19. This act is effective upon ratification, except Sections 1, 4, 5, 6, 8, 13, 14, 15, 16, 17, 18, and 18.1. Sections 1, 4, 8, 13, 14, 15, 16, 17, and 18 shall become effective January 1, 1986. Sections 5 and 6 shall become effective 30 days from the date the Supreme Court issues an advisory opinion on the constitutionality of those sections unless the opinion states that those sections are unconstitutional, in which event those sections shall not become effective. Section 18.1 shall become effective only if the Supreme Court issues an advisory opinion that the appointment of the chief hearing officer by the Chief Justice is unconstitutional and shall become effective on the date that opinion is issued. This act shall expire January 1, 1992 and shall not be effective on or after that date. This act shall not affect contested cases commenced before January 1, 1986.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.

S.B. 300 **CHAPTER 747**

AN ACT TO AUTHORIZE THE USE OF STATE INCOME TAX REFUND OFFSET PROCEDURES IN NON-AFDC AND INTERSTATE CASES AS REQUIRED BY FEDERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105A-2(1)d. is amended to read as follows:

"d. The North Carolina Department of Human Resources when in the performance of its duties, under the Child Support Enforcement Program as enabled by Chapter 110, Article 9 and Title IV, Part D of the Social Security Act to obtain indemnification for past paid public assistance or to collect child support arrearages owed to an individual receiving program services and any county operating the program at the local level, when and only to the extent that the county is engaged in the performance of those same duties."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

S.B. 594 **CHAPTER 748**

AN ACT TO AMEND THE REQUIREMENTS FOR FILLING CONTACT LENS PRESCRIPTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-236.1 is amended by adding a new paragraph at the end to read:

"Any person, firm or corporation dispensing, furnishing or supplying contact lenses in interstate commerce or at retail to recipients in this State, other than a practitioner licensed under Article 1 or Article 6 of this Chapter, is deemed a 'dispensing optician' under G.S. 90-235 and is subject to the provisions of this Article."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

S.B. 671 **CHAPTER 749**

AN ACT TO PERMIT MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND OF THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO PURCHASE CREDITABLE SERVICE FOR COMPARABLE FEDERAL EMPLOYMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-4 is amended by adding a new subsection to the end to read:

"(t) Notwithstanding any other provisions of this Chapter, a member, upon the completion of 10 years of membership service, may purchase creditable service for periods of federal employment, provided that the member is not receiving any retirement benefits resulting from this federal employment, and provided that the member is not vested in the particular federal retirement system to which the member may have belonged while a federal employee. The member shall purchase this service by making a lump sum amount payable to the Annuity Savings Fund equal to the full liability of the service credits calculated on the basis of the assumptions used for purposes of the actuarial valuation of the system's liabilities, and shall take into account the retirement allowance arising on account of the additional service credit commencing at the earliest age at which the member could retire on an unreduced retirement allowance, as determined by the board of trustees upon the advice of the consulting actuary, plus an administrative fee to be set by the board of trustees."

Sec. 2. G.S. 135-56.2 is amended by inserting a new sentence between the first and second to read:

"A member, upon the completion of 10 years of membership service, may also purchase creditable service for periods of federal employment, provided that the member is not receiving any retirement benefits resulting from this federal employment, and provided that the member is

not vested in the particular federal retirement system to which the member may have belonged while a federal employee."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

S.B. 430 **CHAPTER 750**

AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR SUPERVISORY FEES PAID BY SAVINGS AND LOAN ASSOCIATIONS TO THE ADMINISTRATOR OF THE SAVINGS AND LOAN DIVISION.

The General Assembly of North Carolina enacts:

Section 1. Article 8D of Chapter 105 of the General Statutes is amended by adding a new section at the end of that Article to read:

"§ 105-228.25. *Income tax credit for supervisory fees.*—Every savings and loan association is allowed a credit against the income tax imposed on it under Article 4 of this Chapter for a taxable year equal to the amount of supervisory fees, paid by the association during the taxable year, that were assessed by the Administrator of the Savings and Loan Division of the Department of Commerce for the State fiscal year beginning on or during that taxable year. This credit may not exceed the amount of income tax payable by the association for the taxable year for which the credit is claimed, reduced by the sum of all income tax credits allowed against the tax, except tax payments made by or on behalf of the association. The supervisory fees shall not be an allowable deduction in determining taxable income for any association claiming the credit allowed under this section."

Sec. 2. This act is effective for taxable years beginning on or after January 1, 1985.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

S.B. 557 **CHAPTER 751**

AN ACT TO INCREASE THE RETIREMENT FORMULA FOR ACTIVE AND RETIRED MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND LAW ENFORCEMENT OFFICERS' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-27(b7) is amended by rewriting the caption and the language immediately preceding subdivision (1) to read:

"(b7) Service Retirement Allowances of Members Retiring on or after July 1, 1983, but prior to July 1, 1985. Upon retirement from service, in accordance with subsection (a) above, on or after July 1, 1983, but prior to July 1, 1985, a member shall receive a service retirement allowance computed as follows:".

Sec. 2. G.S. 128-27 is amended by adding a new subsection (b8) to read:

"(b8) Service Retirement Allowances of Members Retiring on or after July 1, 1985. Upon retirement from service, in accordance with subsection (a) above, on or after July 1, 1985, a member shall receive a service retirement allowance computed as follows:

(1) If the member's service retirement date occurs on or after his 65th birthday, regardless of his years of creditable service, or after the completion of 30 years of creditable service, such allowance shall be equal to one and fifty-eight one hundredths percent (1.58%) of his average final compensation, multiplied by the number of years of his creditable service.

(2) Such allowance shall also be governed by the provisions of G.S. 128-27(b7)(2a), (2b), and (3)."

Sec. 3. G.S. 128-27 and G.S. 143-166 are amended by adding new subsections (aa) and (x9) respectively to read:

"From and after July 1, 1985, the retirement allowance to or on account of beneficiaries on the retirement rolls as of June 1, 1985, shall be increased by six-tenths percent (0.6%) of the allowance payable on June 1, 1985. This allowance shall be calculated on the basis of the allowance payable and in effect on June 30, 1985, so as not to be compounded on any other increases payable on allowances in effect on June 30, 1985."

Sec. 4. G.S. 128-27 is amended by adding a new subsection (z1) to read:

"(z1) Notwithstanding the foregoing provisions, from and after July 1, 1985, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1984, shall be increased by four percent (4%) of the allowance payable on July 1, 1984, in accordance with G.S. 128-27(k). Furthermore, from and after July 1, 1985, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1984, but before June 30, 1985, shall be increased by a prorated amount of four percent (4%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1984, and June 30, 1985."

Sec. 5. G.S. 143-166 is amended by adding a new subsection (x10) to read:

"(x10) From and after July 1, 1985, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1984, shall be increased by four percent (4%) of the allowance payable on July 1, 1984. Furthermore, from and after July 1, 1985, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1984, but before June 30, 1985, shall be increased by a prorated amount of four percent (4%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1984, and June 30, 1985."

Sec. 6. G.S. 128-27(b8)(1) is amended by deleting the phrase "one and fifty-seven one hundredths percent (1.57%)" where it appears and substituting the phrase "one and fifty-eight one hundredths percent (1.58%)".

Sec. 7. G.S. 143-166(y) is amended by deleting the phrase "one and fifty-seven one-hundredths percent (1.57%) of his average final compensation" in the second paragraph and substituting the phrase "one and fifty-eight one hundredths percent (1.58%) of his average final compensation".

Sec. 8. In order to fund the provisions of this act, the Board of Trustees of the Local Governmental Employees' Retirement System, and Law Enforcement Officers' Retirement System with the advice of its consulting actuary, shall apply any unencumbered actuarial gain remaining after application of actuarial gains to any cost-of-living increase granted to retired members effective July 1, 1985, and shall adjust the normal contribution rate of employers, without increase in the total employers' contribution rates and without changes in the amortization periods for liquidation of unfunded accrued liabilities of employers participating in the Retirement System.

Sec. 9. This act shall become effective July 1, 1985, except Section 6 which shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 1413 **CHAPTER 752**

AN ACT TO PROVIDE THAT WHEN THE GOVERNOR RECEIVES A RECOMMENDATION FROM AN OFFICER OF THE GENERAL ASSEMBLY ON FILLING A VACANCY IN AN OFFICE FILLED BY THE GENERAL ASSEMBLY, THE GOVERNOR MUST TAKE ACTION WITHIN A SPECIFIED PERIOD OF TIME.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-122 is amended by adding the following immediately before the next to last sentence, "After receiving the written recommendation, the Governor must within 30 days either appoint the person recommended or inform the officer who made the recommendation that he is rejecting the recommendation."

Sec. 2. Failure to act within 30 days as required under the provisions of Section 1 shall be deemed to be approval of the candidate, and the candidate shall be eligible to enter the office in as full and ample extent as if the Governor had executed the appointment.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 1118 **CHAPTER 753**

AN ACT TO FACILITATE APPEALS FROM SMALL CLAIMS COURT TO DISTRICT COURT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-228(a) is rewritten to read:

"(a) With the consent of the chief district court judge, a magistrate may set aside an order or judgment for mistake or excusable neglect pursuant to G.S. 1A-1, Rule 60(b)(1) and order a new trial before a magistrate. After final disposition before the magistrate, the sole remedy for an aggrieved party is appeal for trial *de novo* before a district court judge or a jury. Notice of appeal may be given orally in open court upon announcement or after entry of judgment. If not announced in open court, written notice of appeal must be filed in the office of the clerk of superior court within 10 days after entry of judgment. The appeal must be perfected in the manner set out in subsection (b). Upon the announcement of the appeal in open court or upon receipt of the written notice of appeal, the appeal shall be noted upon the judgment. If the judgment was mailed to the parties, then the time computations for appeal of such judgment shall be pursuant to G.S. 1A-1, Rule 6."

Sec. 2. G.S. 7A-228(b) is rewritten to read:

"(b) The appeal shall be perfected by (1) oral announcement of appeal in open court; or (2) by filing notice of appeal in the office of the clerk of superior court within 10 days after entry of judgment, pursuant to subsection (a), and by serving a copy of the notice of appeal on all parties pursuant to G.S. 1A-1, Rule 5. Failure to pay the costs of court to appeal within 20 days after entry of judgment shall result in the automatic dismissal of the appeal. The failure to demand a trial by jury in district court by the appealing party before the time to perfect the appeal has expired is a waiver of the right thereto."

Sec. 3. This act shall become effective on October 1, 1985 and shall apply to all cases initiated on or after that date.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 1021 **CHAPTER 754**

AN ACT TO AMEND G.S. 153A-77 RELATING TO THE POPULATION OF COUNTIES WITH AUTHORITY OVER COMMISSIONS, BOARDS AND AGENCIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-77 is amended in the last sentence by deleting the number "325,000" and substituting the number "400,000".

Sec. 2. This act is effective upon ratification, but shall expire on June 30, 1987, at which time G.S. 153A-77 shall revert to its status prior to the ratification date hereof, except that the amendments made to G.S. 153A-77 by Section 56 of Chapter 589, Session Laws of 1985 do not expire.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 818 **CHAPTER 755**

AN ACT TO AMEND G.S. CHAPTER 24 CONCERNING LATE FEES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 24 of the North Carolina General Statutes is amended by adding after G.S. 24-10 a new section to read:

"§ 24-10.1. *Late fees.*—(a) Subject to the limitations contained in subsection (b) of this section, any lender may charge a party to a loan or extension of credit governed by the provisions of G.S. 24-1.1, 24-1.2, or 24-1.1A a late payment charge as agreed upon by the parties in the loan contract.

(b) No lender may charge a late payment charge:

(1) In excess of four percent (4%) of the amount of the payment past due; or

(2) In excess of the amount disclosed with particularity to the borrower pursuant to the provisions of the Federal Consumer Credit Protection Act if the transaction is one to which the provisions of that act apply, which in no event shall exceed four percent (4%); or

(3) For any payment unless past due for 15 days or more; provided, however, if the loan is one on which interest on each installment is paid in advance, no late payment charge may be charged until the payment is 30 days past due or more; or

(4) More than once with respect to a single late payment. If a late payment charge is deducted from a payment made on the contract and such deduction results in a subsequent default on a subsequent payment, no late payment charge may be imposed for such default. If a late payment charge has been once imposed with respect to a particular late payment, no such charge shall be imposed with respect to any future payment which would have been timely and sufficient but for the previous default. A late payment charge for any particular late payment shall be deemed to have been waived by the lender unless, within 45 days following the date on which the payment was due, the lender either collects the late payment charge or sends written notice of the charge to the borrower; or

(5) On any loan which by its terms calls for repayment of the entire balance in a single payment and not for installments of interest or principal and interest."

Sec. 2. G.S. 24-10 is amended by deleting subsections (e) and (f).

Sec. 3. This act is effective upon ratification and shall apply to loans made after that date; provided, however, any loan contract executed prior to the effective date of this act may be enforced in accordance with its terms and the existing law at the time of such execution.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 900 **CHAPTER 756**

AN ACT TO REVISE THE PROVISIONS OF CHAPTER 11 OF THE GENERAL STATUTES RELATING TO OATHS AND AFFIRMATIONS IN ORDER TO CONFORM TO CONSTITUTIONAL REQUIREMENTS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 11-1 is rewritten to read as follows:

"§ 11-1. *Oaths and affirmations to be administered with solemnity.*—Whereas, lawful oaths for discovery of truth and establishing right are necessary and highly conducive to the important end of good government; and being most solemn appeals to Almighty God, as the omniscient witness of truth and the just and omnipotent avenger of falsehood, and whereas, lawful affirmations for the discovery of truth and establishing right are necessary and highly conducive to the important end of good government, therefore, such oaths and affirmations ought to be taken and administered with the utmost solemnity."

Sec. 2. G.S. 11-2 is rewritten to read as follows:

"§ 11-2. *Administration of oaths.*—Judges and other persons who may be empowered to administer oaths, shall (except in the cases in this Chapter excepted) require the party to be sworn to lay his hand upon the Holy Scriptures, in token of his engagement to speak the truth and in further token that, if he should swerve from the truth, he may be justly deprived of all the blessings of that holy book and made liable to that vengeance which he has imprecated on his own head."

Sec. 3. G.S. 11-4 is rewritten to read as follows:

"§ 11-4. *Affirmation in lieu of oath.*—When a person to be sworn shall have conscientious scruples against taking an oath in the manner prescribed by G.S. 11-2, 11-3, or 11-7, he shall be permitted to be affirmed. In all cases the words of the affirmation shall be the same as the words of the prescribed oath, except that the word 'affirm' shall be substituted for the word 'swear' and the words 'so help me God' shall be deleted."

Sec. 4. G.S. 11-6 is repealed.

Sec. 5. G.S. 11-7 is rewritten to read as follows:

"§ 11-7. *Oath or affirmation to support Constitutions; all officers to take.*—Every member of the General Assembly and every person elected or appointed to hold any office of trust or profit in the State shall, before taking office or entering upon the execution of the office, take and subscribe to the following oath:

'I, _____, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.'"

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

S.B. 182 **CHAPTER 757**

AN ACT TO APPROPRIATE FUNDS FOR VARIOUS STATEWIDE PROJECTS, TO SPECIFY HOW CERTAIN APPROPRIATED FUNDS ARE TO BE USED, AND TO MAKE VARIOUS CHANGES IN THE LAW.

The General Assembly of North Carolina enacts:

PART I. Statewide Appropriations
Cultural Resources
Education
General Government
Human Resources
Justice and Public Safety
Natural and Economic Resources
PART II. Special Provisions
PART III. Miscellaneous

Part I.
CULTURAL RESOURCES

ELIZABETHAN GARDENS FUNDS

Section 1. There is appropriated from the General Fund to the Garden Club of North Carolina, Incorporated, the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86, and the sum of twenty-five thousand dollars ($25,000) for fiscal year 1986-87, for the Elizabethan Gardens.

BREVARD MUSIC CENTER PAVILION FUNDS

Sec. 2. There is appropriated from the General Fund to the Brevard Music Center the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86 to construct a Carolina Pavilion at the Brevard Music Center.

CABARRUS COURTHOUSE FUNDS

Sec. 3. There is appropriated from the General Fund to Cabarrus County the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86 for the continued restoration of the Cabarrus County Courthouse.

COOL SPRINGS ARCHAEOLOGICAL PROJECT FUNDS

Sec. 4. There is appropriated from the General Fund to the City of Fayetteville the sum of sixty-five thousand dollars ($65,000) for fiscal year 1985-86 for the Cool Springs Archaeological Project and other historic preservation projects associated with the quadricentennial of the State.

LIBERTY CART FUNDS

Sec. 5. There is appropriated from the General Fund to the Duplin Outdoor Drama Society, Incorporated, the sum of thirty-five thousand dollars ($35,000) for fiscal year 1985-86, and the sum of thirty-five thousand dollars ($35,000) for fiscal year 1986-87, for operating expenses

for the production of "The Liberty Cart: A Duplin Story", an historical outdoor drama.

CHEROKEE HISTORICAL MUSEUM FUNDS

Sec. 6. There is appropriated from the General Fund to the Cherokee Historical Association, Incorporated, the sum of two hundred fifteen thousand dollars ($215,000) for fiscal year 1985-86, to complete the construction of the Administration Building.

ARTS TOGETHER FUNDS

Sec. 7. There is appropriated from the General Fund to Arts Together, Incorporated, of Raleigh the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 for operating expenses.

ESTEY HALL FUNDS

Sec. 8. There is appropriated from the General Fund to the Estey Hall Foundation the sum of seventy-five thousand dollars ($75,000) for fiscal year 1985-86 to complete the adaptive restoration of Estey Hall at Shaw University in Raleigh, provided a like amount of non-State funds is raised by the Estey Hall Foundation to match this appropriation on a dollar-for-dollar basis.

ROCK SCHOOL HOUSE FUNDS

Sec. 9. There is appropriated from the General Fund to the Valdese Historical Foundation the sum of ninety-one thousand dollars ($91,000) for fiscal year 1985-86 for the continued restoration of the Valdese Rock School House.

LAKELAND CULTURAL ARTS CENTER FUNDS

Sec. 10. There is appropriated from the General Fund to the Lakeland Cultural Arts Center in Littleton the sum of forty-five thousand dollars ($45,000) for fiscal year 1985-86, and the sum of forty-five thousand dollars ($45,000) for fiscal year 1986-87, for operating expenses.

HISTORIC PRESERVATION FUNDS

Sec. 11. There is appropriated from the General Fund to the North Carolina Historic Preservation Foundation, Incorporated, the sum of one hundred fifty thousand dollars ($150,000) for fiscal year 1985-86 to expand North Carolina's statewide revolving fund for historic preservation, provided a like amount is raised by the Historic Preservation Foundation after the effective date of this section to match this appropriation on a dollar-for-dollar basis. Funds appropriated in this section shall be expended only in accordance with the criteria and rules applicable to the operation of statewide revolving funds established by the North Carolina Historical Commission and the Department of Cultural Resources.

CHARLOTTE HAWKINS BROWN CENTER FUNDS

Sec. 12. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of two hundred fifty thousand dollars ($250,000) for fiscal year 1985-86 to establish and operate the Charlotte Hawkins Brown Memorial State Historic Site and Black History Center.

AID TO PUBLIC LIBRARIES FUNDS

Sec. 13. There is appropriated from the General Fund to the Department of Cultural Resources the sum of three million dollars ($3,000,000) for fiscal year 1985-86, and the sum of three million dollars ($3,000,000) for fiscal year 1986-87, for the Aid to Public Libraries Fund.

MUSEUM OF HISTORY FUNDS

Sec. 14. There is appropriated from the General Fund to the Department of Administration the sum of nine million one hundred thousand dollars ($9,100,000) for fiscal year 1985-86 for construction of the Museum of History Building on the site of the visitor center parking lot adjacent to the Bicentennial Plaza. The building may house the Capital Area Visitor's Center and a cafeteria. This appropriation is in addition to any other funds appropriated for this purpose or donated for this purpose.

NORTH CAROLINA THEATRE FUNDS

Sec. 15. There is appropriated from the General Fund to the North Carolina Theatre the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 for operating expenses to bring professional theatre to the Capital City area.

AMERICAN DANCE FESTIVAL FUNDS

Sec. 16. There is appropriated from the General Fund to the American Dance Festival in Durham the sum of fifty-five thousand dollars ($55,000) for fiscal year 1985-86, and the sum of fifty-five thousand dollars ($55,000) for fiscal year 1986-87, as a grant-in-aid for operating expenses.

"HORN IN THE WEST" FUNDS

Sec. 17. There is appropriated from the General Fund to the Southern Appalachian Historical Association, Incorporated, the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 to present the outdoor historical drama "Horn in the West".

OPERATION RALEIGH FUNDS

Sec. 18. There is appropriated from the General Fund to Operation Raleigh, Incorporated, the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 for operating expenses.

FOLKMOOT USA FUNDS

Sec. 19. There is appropriated from the General Fund to Folkmoot USA the sum of seventy-five thousand dollars ($75,000) for fiscal year 1985-86 to sponsor folk festivals.

HALIFAX HISTORICAL ASSOCIATION FUNDS

Sec. 20. There is appropriated from the General Fund to the Halifax County Historical Association the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for operating expenses and historic preservation projects of the Association.

BELHAVEN TOWN HALL MUSEUM FUNDS

Sec. 21. There is appropriated from the General Fund to the Belhaven Town Hall Museum the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 to restore the Belhaven Town Hall, including the bell tower.

DAVID STICK LIBRARY FUNDS

Sec. 22. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 for planning the development of the David Stick Library and for any necessary lease or rental of interim library facilities.

SPENCER SHOPS HISTORIC SITE FUNDS

Sec. 23. There is appropriated from the General Fund to the Department of Cultural Resources the sum of eighty-five thousand dollars ($85,000) for fiscal year 1985-86 to further restore and repair the storage and display space at Spencer Shops State Historic Site.

N.C. DANCE THEATER FUNDS

Sec. 24. There is appropriated from the General Fund to the North Carolina Dance Theater in Winston-Salem the sum of fifty-five thousand dollars ($55,000) for fiscal year 1985-86 for operating expenses.

C.S. BROWN CULTURAL CENTER FUNDS

Sec. 25. There is appropriated from the General Fund to Hertford County the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86 to renovate Brown Hall in Winton, the last remaining structure of Chowan Academy, as the Dr. Calvin Scott Brown Cultural Center. This center will serve the entire Roanoke-Chowan region of the State.

FAYETTEVILLE ARTS FACILITY FUNDS

Sec. 26. There is appropriated from the General Fund to the Arts Council of Fayetteville/Cumberland County, Incorporated, the sum of one hundred fifty thousand dollars ($150,000) for fiscal year 1985-86 to establish a central cultural arts facility in the Frances Brooks Stein building in downtown Fayetteville.

OLD CHOWAN COURTHOUSE FUNDS

Sec. 27. There is appropriated from the General Fund to Chowan County the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 to restore the Old Chowan County Courthouse.

GENERAL LEE MUSEUM FUNDS

Sec. 28. There is appropriated from the General Fund to the General William C. Lee Memorial Commission, Incorporated, the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 to establish the General William C. Lee Museum.

ARTS COUNCIL FUNDS

Sec. 29. There is appropriated from the General Fund to the North Carolina Arts Council Division, Department of Cultural Resources, the sum of one million dollars ($1,000,000) for the 1985-86 fiscal year for the Grassroots Arts Program, Grants to Local Communities, Aid to Outdoor Drama and Professional Theater, the Regional Arts Resources Program, and costs necessary for the development of local arts programs.

Of the funds appropriated in this section, at least seven hundred fifty thousand dollars ($750,000) for the 1985-86 fiscal year shall be used in the Grassroots Arts Program and the Grants to Local Communities Program.

It is the intent of the General Assembly that priority for any funds appropriated in this section that are allocated to the Regional Arts

Resources Program be given to organizations that provide significant services to areas outside of their home counties through touring or that otherwise serve the State by making their programs and services available outside of their home counties.

The General Assembly encourages the Arts Council to fund programs that make the arts available to citizens of North Carolina who have previously had little opportunity to experience the arts.

The costs for the development of local arts programs may not exceed eighty-five thousand dollars ($85,000) of the total funds appropriated to the Arts Council in this section for the 1985-86 fiscal year.

RESERVE FOR LOCAL PROJECTS/MATCH REQUIRED

Sec. 30. There is appropriated from the General Fund to the Office of State Budget and Management the sum of three hundred fifty thousand dollars ($350,000) for the 1985-86 fiscal year, and the sum of two hundred thousand dollars ($200,000) for the 1986-87 fiscal year, for a reserve for local projects. Of these funds the sum of one hundred fifty thousand dollars ($150,000) for the 1985-86 fiscal year shall be allocated for Duke Homestead, and the sums of two hundred thousand dollars ($200,000) for the 1985-86 fiscal year and two hundred thousand dollars ($200,000) for the 1986-87 fiscal year shall be allocated for an Andrew Jackson Memorial. These funds shall be expended only as non-State funds are raised to match these funds on a dollar-for-dollar basis.

EDUCATION

COMMUNITY COLLEGE STUDY FUNDS

Sec. 31. There is appropriated from the General Fund to the Department of Community Colleges the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86 to contract with outside agencies to do feasibility studies concerning the future needs of the community college system.

SOUTHWESTERN TECHNICAL COLLEGE HEALTH CENTER FUNDS

Sec. 32. There is appropriated from the General Fund to the Department of Community Colleges the sum of nine hundred sixty-two thousand dollars ($962,000) for fiscal year 1986-87 for Southwestern Technical College to purchase equipment for the Regional Allied Health Center.

WFSS PUBLIC RADIO FUNDS

Sec. 33. There is appropriated from the General Fund to Fayetteville State University WFSS Public Radio the sum of thirty-five thousand dollars ($35,000) for fiscal year 1985-86, and the sum of thirty-five thousand dollars for fiscal year 1986-87, to develop and expand the capability of the broadcast facilities.

MULTI-IMAGE CELEBRATION FUNDS

Sec. 34. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of seventy-five thousand seven hundred dollars ($75,700) for fiscal year 1985-86, and the sum of seventy-six thousand dollars ($76,000) for fiscal year 1986-87, for the costs of distributing and showing throughout the State of "North

Carolina: A Multi-Image Celebration", an audio visual presentation developed by The University of North Carolina at Chapel Hill as a part of the celebration of the quadricentennial of the State.

WESTERN CAROLINA ACTIVITY CENTER FUNDS

Sec. 35. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of three hundred thousand dollars ($300,000) for fiscal year 1985-86 to increase the contingency reserve for constructing the Western Carolina University Regional Activity Center.

LINEBERGER CANCER RESEARCH CENTER FUNDS

Sec. 36. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of three hundred fifty thousand dollars ($350,000) for fiscal year 1985-86, and the sum of four hundred fifty thousand dollars ($450,000) for fiscal year 1986-87, for the Lineberger Cancer Research Center at The University of North Carolina at Chapel Hill.

HAYWOOD TECHNICAL COLLEGE DIRECTOR FUNDS

Sec. 37. There is appropriated from the General Fund to the Department of Community Colleges the sum of fifty-three thousand eight hundred dollars ($53,800) for fiscal year 1985-86, and the sum of fifty-three thousand eight hundred dollars ($53,800) for fiscal year 1986-87, for salary and benefits for a Director of the Microelectronics Center at Haywood Technical College.

FAMILY PHYSICIAN'S FACILITY FUNDS

Sec. 38. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86 as planning funds for the construction of the Family Physician's Center at The University of North Carolina at Chapel Hill.

RESIDENTIAL SUMMER SCHOOL PROGRAMS FUNDS

Sec. 39. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of four hundred five thousand dollars ($405,000) for fiscal year 1985-86, and the sum of four hundred five thousand dollars ($405,000) for fiscal year 1986-87, for a residential summer school program operated by the Office of Rural Education, Western Carolina University, and the Rural Education Institute, East Carolina University. The program shall serve students who do not qualify for participation in programs designed to serve the gifted, but who demonstrate that with extra motivation and opportunity they could become student leaders and that they should be given oppportunities to develop their communications, problem-solving, and thinking skills.

The Office of Rural Education, Western Carolina University, and the Rural Education Institute, East Carolina University, shall each operate a three-week residential summer session for 150 students entering the seventh and eighth grades and a three-week residential summer session for 150 high school students. All expenses except for transportation to and from the program sites, personal laundry, and spending money shall be covered by the program.

The program shall place emphasis on serving students who attend schools in rural and isolated areas because these students often do not have opportunities that are provided to students attending schools in urban areas; therefore, the ratio of rural to urban students participating in the program shall be three to one.

Criteria for selection shall be developed with the advice of teachers, principals, and guidance counselors. Educators representing both secondary and post secondary education shall participate in program development. Emphasis shall be placed on reading, writing, and arithmetic. The program shall include communication skills involving reading, writing, speaking, listening, and viewing, with an emphasis on the application of these skills in thinking, reasoning, and problem-solving.

PEMBROKE STATE CENTENNIAL FUNDS

Sec. 40. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of ninety-five thousand dollars ($95,000) for fiscal year 1985-86 for the centennial celebration at Pembroke State University.

ALAMANCE TECHNICAL COLLEGE FUNDS

Sec. 41. There is appropriated from the General Fund to the Department of Community Colleges the sum of two hundred thousand dollars ($200,000) for fiscal year 1985-86 for capital improvements to Alamance Technical College.

COMMUNITY COLLEGE SALARY FUNDS

Sec. 42. There is appropriated from the General Fund to the Department of Community Colleges the sum of two million dollars ($2,000,000) for fiscal year 1985-86 to be placed in a reserve and used to improve the level of faculty salaries at the 58 institutions by providing salary adjustment funds to increase formula allocations.

APPALACHIAN STATE EDUCATION CENTER FUNDS

Sec. 43. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one million dollars ($1,000,000) for fiscal year 1985-86 for an addition to the Continuing Education Center at Appalachian State University.

N.C. STATE UNIVERSITY ANIMAL SCIENCE FACILITY FUNDS

Sec. 44. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of four hundred thousand dollars ($400,000) for fiscal year 1985-86 to construct an Animal Science Teaching Facility at North Carolina State University.

SPORTS MEDICINE AND EMERGENCY PARAMEDICAL PROGRAM FUNDS

Sec. 45. There is appropriated from the General Fund to the Department of Public Education the sum of thirty-five thousand dollars ($35,000) for fiscal year 1985-86, and the sum of seventy thousand dollars ($70,000) for fiscal year 1986-87 for the Sports Medicine and Emergency Paramedical Program.

PAY FOR TEACHER WITH MASTER'S DEGREE

Sec. 46. (a) Section 19.1(d) of Chapter 1137 of the 1979 Session Laws (Second Session 1980), as rewritten by Chapter 1053 of the 1981 Session Laws, is further amended by rewriting subpart (1) to read:

"(1) in the case of a teacher who was awarded a higher teaching certificate from September 1, 1980, through June 30, 1985, as a result of a receipt of a master's degree, such person shall be entitled to credit for all teaching experience earned previously, recognizable under State Board of Education regulations, in determining placement on the salary schedule;".

(b) There is appropriated from the General Fund to the Department of Public Education the sum of three million five hundred forty-eight thousand six hundred forty dollars ($3,548,640) for the 1985-86 fiscal year and the sum of three million five hundred forty-eight thousand six hundred forty dollars ($3,548,640) for the 1986-87 fiscal year to implement this section.

PILOT PROGRAMS IN THE PUBLIC SCHOOLS/LIAISON WITH GENERAL ASSEMBLY

Sec. 47. The 1985 General Assembly has established and funded several new initiatives in public elementary and secondary education including the Basic Education Program, the Career Development Pilot Program, and the Principals' Assessment Center. In order for the General Assembly to adequately review and evaluate the quality and effectiveness of these new initiatives, there is appropriated from the General Fund to the Department of Public Education the sum of one hundred twenty-three thousand seven hundred seventy-two dollars ($123,772) for the 1985-86 fiscal year and the sum of one hundred twenty-three thousand seven hundred seventy-two dollars ($123,772) for the 1986-87 fiscal year. Of these funds, the sum of fifty thousand dollars ($50,000) for each year of the fiscal biennium shall be used, in addition to other funds appropriated for this purpose, to develop subject area tests in the least expensive manner for the implementation of the Basic Education Program. Also, the sum of seventy-three thousand seven hundred seventy-two dollars ($73,772) for each year of the fiscal biennium shall be used to establish a liaison Office of Planning and Development in the Department of Public Instruction. This office shall monitor the development by the Department of Public Instruction of subject area tests for the implementation of the Basic Education Program, consult with and monitor the local school administrative units selected as pilot localities associated with the implementation of the new initiatives, and monitor the reexamination of the New Competency Based Curriculum mandated by Section 54 of Chapter 479 of the 1985 Session Laws. The office shall make quarterly reports, and additional reports upon request, to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division as to progress and compliance by the Department and whether the spirit of the law and intent of the General Assembly is being complied with as to each activity and initiative.

SCHOOL BUS REPLACEMENT FUNDS

Sec. 48. There is appropriated from the General Fund to the Department of Public Education the sum of two million dollars ($2,000,000) for fiscal year 1985-86 to replace school buses in the State-supported fleet.

GOVERNOR'S SCHOOLS FUNDS

Sec. 49. There is appropriated from the General Fund to the Department of Public Education the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 for operating expenses for the Governor's Schools summer program.

GENERAL GOVERNMENT

STATE GOVERNMENT CENTER FUNDS

Sec. 50. There is appropriated from the General Fund to the Department of Administration the sum of five million dollars ($5,000,000) for fiscal year 1985-86 to complete the land acquisitions within the State Government Center and to acquire the Olivia Rainey Library and land adjacent to the Revenue Building, both of which properties lie outside the State Government Center.

INDIAN CULTURAL CENTER FUNDS

Sec. 51. (a) There is appropriated from the General Fund to the Department of Administration, Commission of Indian Affairs, the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86 to be held in reserve until a nonprofit corporation with a board of directors composed of people from Robeson County and the surrounding counties is formed to manage the Indian Cultural Center in Robeson County. Upon formation of a nonprofit corporation for this purpose, the funds appropriated by this section shall be made available to the nonprofit corporation to develop the Indian Cultural Center.

(b) The Commission of Indian Affairs shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by June 1, 1986, on how the funds appropriated by this section have been used.

NORTH CAROLINA COMMISSION ON JOBS AND ECONOMIC GROWTH

Sec. 52. (a) There is created the North Carolina Commission on Jobs and Economic Growth. This Commission shall be an advisory commission and shall work with private and public institutions and with individuals to identify the major economic challenges facing this State and to develop practical proposals for meeting these challenges to be submitted to the executive and legislative branches of State government. The Commission shall report to the 1987 Session of the General Assembly.

(b) The Commission shall consist of no more than 30 members to be appointed by, and to serve at the pleasure of, the President of the Senate. If members of the General Assembly are appointed an equal number from each house shall be appointed.

(c) The Commission may contract for assistance from non-State personnel as it deems necessary.

(d) Members of the Commission who are also members of the General Assembly shall be paid subsistence and travel expenses at the rate

set forth in G.S. 120-3.1. Members of the Commission who are officials or employees of the State shall receive travel allowances at the rate set forth in G.S. 138-6. All other members of the Commission shall be paid per diem and allowances at the rates set forth in G.S. 138-5.

(e) There is appropriated from the General Fund to the Office of the Lieutenant Governor the sum of one hundred twenty-five thousand dollars ($125,000) for the 1985-86 fiscal year, and the sum of one hundred twenty-five thousand dollars ($125,000) for the 1986-87 fiscal year, to fund the Commission established by subsection (a) of this section. Funds remaining unexpended at the end of each fiscal year shall not revert to the General Fund but shall remain available for use by the Commission in completing its work.

VOTER FILE STUDY AND FUNDS

Sec. 53. (a) The Legislative Services Commission shall commission a study to determine the feasibility and cost of creating a centralized statewide voter registration file. The Legislative Services Commission may report either to the 1985 General Assembly, Regular Session 1986, or to the 1987 General Assembly. The Legislative Services Commission may contract in its discretion to conduct the study or to collect data for the study.

(b) There is appropriated from the General Fund to the General Assembly the sum of seventy-five thousand dollars ($75,000) for fiscal year 1985-86 to implement this section.

DEPARTMENT OF INSURANCE FUNDS

Sec. 54. There is appropriated from the General Fund to the Department of Insurance the sum of thirty-five thousand dollars ($35,000) for fiscal year 1985-86, and the sum of thirty-five thousand dollars ($35,000) for fiscal year 1986-87, for additional personnel to handle workers' compensation insurance matters.

JACKSON DISTRICT OFFICES FUNDS

Sec. 55. There is appropriated from the General Fund to Jackson County the sum of two hundred thousand dollars ($200,000) for fiscal year 1985-86 to construct State district offices in Jackson County to serve the seven counties west of Haywood County.

MUSEUM OF LIFE AND SCIENCE FUNDS

Sec. 56. There is appropriated from the General Fund to the North Carolina Museum of Life and Science in Durham the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for operating expenses.

MOTOR FLEET MANAGEMENT FUNDS

Sec. 57. There is appropriated from the General Fund to the Department of Administration, Division of Motor Fleet Management, the sum of three million five hundred thousand dollars ($3,500,000) for fiscal year 1985-86, and the sum of one million six hundred thousand dollars ($1,600,000) for fiscal year 1986-87, for capital funds for the State motor fleet.

SOUTHERN LEGISLATIVE CONFERENCE FUNDS

Sec. 58. There is appropriated from the General Fund to the General Assembly the sum of fifteen thousand dollars ($15,000) for fiscal year

1985-86 to host the Southern Legislative Conference meeting on children's issues.

NATIONAL SPORTS FESTIVAL FUNDS

Sec. 59. There is appropriated from the General Fund to North Carolina Amateur Sports, a nonprofit organization, the sum of eight hundred thousand dollars ($800,000) for fiscal year 1985-86 to assist in the planning and operation of the National Sports Festival VIII to be held in North Carolina in July 1987, provided North Carolina Amateur Sports raises non-State funds to match this appropriation on a two-for-one basis. The funds appropriated in this section shall not revert to the General Fund at the end of the fiscal year but shall remain available until used for the stated purpose.

MADISON LANDFILL EQUIPMENT FUNDS

Sec. 60. There is appropriated from the General Fund to Madison County the sum of seventy-five thousand dollars ($75,000) for fiscal year 1985-86 to purchase a landfill trash compactor and related equipment.

VETERANS SERVICE PROGRAMS FUNDS

Sec. 61. (a) G.S. 165-6(9) is amended by deleting the phrase "one thousand dollars ($1,000)" and substituting the phrase "two thousand dollars ($2,000)".

(b) There is appropriated from the General Fund to the Department of Administration the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86, and the sum of one hundred thousand dollars ($100,000) for fiscal year 1986-87, to implement this section.

DEPARTMENT OF ADMINISTRATION FUNDS

Sec. 62. There is appropriated from the General Fund to the Department of Administration the sum of two hundred thirty-two thousand three hundred forty-two dollars ($232,342) for fiscal year 1985-86, and the sum of one hundred twenty-four thousand one hundred seventy-seven dollars ($124,177) for fiscal year 1986-87, to be allocated as follows:

(1) The sum of up to one hundred thousand dollars ($100,000) for the 1985-86 fiscal year may be used to hire a private consultant to prepare an updated master plan for the State Government Center;

(2) The sum of ten thousand dollars ($10,000) for the 1985-86 fiscal year and the sum of ten thousand dollars ($10,000) for the 1986-87 fiscal year shall be used for the expenses of the Capital Planning Commission; and

(3) The sum of one hundred twenty-two thousand three hundred forty-two dollars ($122,342) for the 1985-86 fiscal year and the sum of one hundred fourteen thousand one hundred seventy-seven dollars ($114,177) for the 1986-87 fiscal year shall be used to pay for the salaries and equipment for two technical positions and one clerical position in the State Building Division.

ROANOKE RIVER BASIN ASSOCIATION FUNDS

Sec. 63. There is appropriated from the General Fund to the Roanoke River Basin Association the sum of fifteen thousand dollars

($15,000) for fiscal year 1985-86 to assist in the litigation concerning Lake Gaston.

MARITIME MUSEUM WATERCRAFT CENTER FUNDS

Sec. 64. There is appropriated from the General Fund to the Department of Agriculture the sum of seventy-five thousand dollars ($75,000) for fiscal year 1985-86 to renovate the North Carolina Maritime Museum Watercraft Center, which is a boat-building facility for the Museum.

MARITIME MUSEUM OPERATING FUNDS

Sec. 65. There is appropriated from the General Fund to the Department of Agriculture the sum of eighty-five thousand dollars ($85,000) for fiscal year 1985-86, and the sum of sixty thousand dollars ($60,000) for fiscal year 1986-87, for operating expenses of the North Carolina Maritime Museum.

SPRING LAKE CAPITAL FUNDS

Sec. 66. There is appropriated from the General Fund to the Town of Spring Lake the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for capital improvements.

BIOTECHNOLOGY CENTER FUNDS

Sec. 67. There is appropriated from the General Fund to the Department of Commerce the sum of one million two hundred thousand dollars ($1,200,000) for fiscal year 1985-86 for capital improvements to the Biotechnology Center Building.

STATE CONSTRUCTION OFFICE FUNDS

Sec. 68. There is appropriated from the General Fund to the Department of Administration, Office of State Construction, the sum of two hundred twenty-five thousand dollars ($225,000) for fiscal year 1985-86, and the sum of two hundred twenty-five thousand dollars ($225,000) for fiscal year 1986-87, for salaries and benefits for two new engineer positions and to fund the computerization of the office.

ADMINISTRATIVE PROCEDURE ACT FUNDS

Sec. 69. There is appropriated from the General Fund to the Office of the Governor, Office of State Budget and Management, the sum of one million four hundred thirty-four thousand dollars ($1,434,000) for fiscal year 1985-86, and the sum of one million four hundred thirty-four thousand dollars ($1,434,000) for fiscal year 1986-87, to be placed in a Reserve for the Implementation of the Administrative Procedure Revision (House Bill 52, 1985 General Assembly).

UNION AGRICULTURAL CENTER FUNDS

Sec. 70. There is appropriated from the General Fund to Union County the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 for capital improvements to the Union County Agricultural Center, provided Union County raises the same amount of non-State funds to match this appropriation on a dollar-for-dollar basis. The county may not receive any of the funds appropriated by this section until it raises the total amount required as matching funds.

SAMPSON AGRICULTURAL CENTER FUNDS

Sec. 71. There is appropriated from the General Fund to Sampson County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital and operating expenses of the Sampson County Agricultural Center.

HUMAN RESOURCES

SOUTHEASTERN HEARING IMPAIRED CENTER FUNDS

Sec. 72. There is appropriated from the General Fund to the Department of Human Resources the sum of seventy-nine thousand four hundred sixty-five dollars ($79,465) for fiscal year 1985-86, and the sum of sixty-nine thousand seven hundred seventy-eight dollars ($69,778) for fiscal year 1986-87, to establish and operate the Southeastern Regional Community Service Center for the Hearing Impaired, to be located in Wilmington and to serve Bladen, Brunswick, Carteret, Columbus, Duplin, Jones, New Hanover, Onslow, Pender, Robeson, Sampson, and Scotland Counties, which have a hearing impaired population of approximately 39,597 persons.

MOORE CHILDREN'S CENTER

Sec. 73. There is appropriated from the General Fund to the Moore County Children's Center the sum of six thousand five hundred dollars ($6,500) for fiscal year 1985-86 for the Center's programs for handicapped and developmentally disabled children.

SAMARITAN COLONY

Sec. 74. There is appropriated from the General Fund to the Samaritan Colony, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to provide a home in Richmond County for alcoholics and drug abusers.

CHILD CARE DIRECTIONS FUNDS

Sec. 75. There is appropriated from the General Fund to Child Care Directions, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses.

RICHARDSON MEMORIAL HOSPITAL FUNDS

Sec. 76. There is appropriated from the General Fund to the L. Richardson Memorial Hospital in Greensboro the sum of two hundred thousand dollars ($200,000) for fiscal year 1985-86, and the sum of two hundred thousand dollars ($200,000) for fiscal year 1986-87, to help preserve and maintain the Hospital, which is the only remaining black hospital in the South.

JUVENILE CENTER CHAPLAIN FUNDS

Sec. 77. There is appropriated from the General Fund to the Department of Human Resources the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86, and the sum of fifty thousand dollars ($50,000) for fiscal year 1986-87, to fund a chaplain position at the Juvenile Evaluation Center at Black Mountain and at the Samarkand Manor School at Eagle Springs.

AUTISTIC CHILDREN'S CAMP FUNDS

Sec. 78. There is appropriated from the General Fund to the North Carolina Society for Autistic Children the sum of sixty thousand dollars ($60,000) for fiscal year 1985-86 for operating expenses for the Autistic Children's Camp.

PUBLIC SCHOOL ALCOHOL AND DRUG PROGRAMS FUNDS

Sec. 79. (a) There is established in the Department of Public Instruction the Alcohol and Drug Defense (ADD) Program. The Program shall be a new initiative to give the Superintendent of Public Instruction statewide responsibility to address systematically alcohol and drug problems of school aged youth.

The ADD Program shall:

(1) Provide planning, consultation, and direct services to local school boards, school personnel, parent-teacher-student organizations, community teams, and the divisions of the Department of Public Instruction that can affect substance abuse;

(2) Perform a complete comprehensive survey of existing prevention, intervention, treatment, and policy activities within the public schools;

(3) Identify, mobilize, and coordinate resources for immediate action throughout the State;

(4) Develop a model approach that is flexible enough to be tailored to community needs and resources;

(5) Coordinate alcohol- and drug-specific curriculum-development and implementation;

(6) Consult with local school boards on the development of school policies to reduce substance use and possession on school property and at school activities;

(7) Consult directly with school personnel regarding appropriate intervention and referral of students in trouble;

(8) Train health education coordinators, teachers, and others on the identification of substance use and steps to take with students;

(9) Coordinate with higher education, teacher organizations, and alcohol and drug professionals;

(10) Act as a liaison between the Department of Public Instruction and other agencies addressing the substance abuse problem;

(11) Perform other services as directed by the State Board of Education and the Superintendent of Public Instruction; and

(12) Report regularly to the Superintendent of Public Instruction, the State Board of Education, and the General Assembly on the status of substance abuse among school-aged children.

(b) There is appropriated from the General Fund to the Department of Public Education the sum of five hundred sixty-five thousand dollars ($565,000) for the 1985-86 fiscal year, and the sum of five hundred ninety-two thousand dollars ($592,000) for the 1986-87 fiscal year, for an Alcohol and Drug Defense (ADD) Program for the public schools. These funds shall be used to provide three full-time professionals at the central office who will specialize in total program direction, alcohol and drug intervention, and prevention and education strategies for the public schools, to provide eight full-time regional specialists who will work directly with the health education coordinators and other personnel in their area of the State, and to provide support personnel and equipment

for these professionals. The funds shall also be used to support existing and new initiatives within schools to operate prevention and early intervention programs.

TAMMY LYNN RESPITE CARE FUNDS

Sec. 80. There is appropriated from the General Fund to the Tammy Lynn Memorial Foundation, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to operate the School for Respite Care Services.

HOLOCAUST COUNCIL

Sec. 81. (a) Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part to read as follows:

"Part 28.
"North Carolina Council on the Holocaust.

"§ 143B-216.20. *North Carolina Council on the Holocaust; creation; purpose.*—There is hereby created the North Carolina Council on the Holocaust. The purpose of the Council is to prevent future atrocities similar to the systematic program of genocide of six million Jews and others by the Nazis. This purpose shall be accomplished by developing a program of education and observance of the Holocaust.

"§ 143B-216.21. *Membership; selection; quorum.*—The Council shall consist of 24 members, eight appointed by the Governor, eight appointed by the President of the Senate, and eight appointed by the Speaker of the House of Representatives. Members shall be appointed in 1985 for two-year terms to begin July 1, 1985. In 1987 and biennially thereafter, successors shall be appointed for two-year terms. A majority of the members shall constitute a quorum for the transaction of business.

"§ 143B-216.22. *Expenses.*—The members of the Council shall be compensated and reimbursed for their expenses in accordance with G.S. 138-5.

"§ 143B-216.23. *Assistance.*—The Secretary may arrange for clerical or other assistance required by the Council."

(b) There is appropriated from the General Fund to the Department of Human Resources the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to fund the North Carolina Council on the Holocaust.

(c) Chapter 116 of the General Statutes is amended by adding a new Article to read:

"Article 28.
"North Carolina-Israel Visiting Scholar Program.

"§ 116-230. *North Carolina-Israel Visiting Scholar Program.*—(a) There is created the North Carolina - Israel Visiting Scholar Program for the purpose of granting funds to members of the faculties of the constituent institutions of The University of North Carolina and institutions of higher education in Israel to assist in their travel and living expenses while participating in the program.

(b) The President of The University of North Carolina shall appoint a North Carolina Committee to work with a committee from Israel to

prepare proper guidelines for the administration of the program and to establish criteria for the designation of participating scholars.

(c) Funds for the support of this program shall come from private sources, and grants shall be made for as many suitable recipients as can be found within budget limitations."

SOCIAL SECURITY INFORMATION FUNDS

Sec. 82. (a) There is appropriated from the General Fund to the Department of Human Resources the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86, and the sum of fifty thousand dollars ($50,000) for fiscal year 1986-87, to be used as follows:

(1) The sum of forty-five thousand dollars ($45,000) for each fiscal year of the 1985-87 fiscal biennium shall be allocated to establish a separate public information office, including a toll-free number, and two staff positions. The public information office will provide information to citizens on their rights under the Social Security Disability Program and will work with the Disability Task Force as established in Section 64 of Chapter 1034 of the 1983 Session Laws (Regular Session 1984) in addressing the recommendations of the General Assembly's Disability Review Study Commission. The office shall be staffed by a paralegal and by a clerk. These persons' legal work shall be supervised by an attorney from the Department of Human Resources.

(2) The sum of five thousand dollars ($5,000) for each fiscal year of the 1985-87 fiscal biennium shall be allocated to the Disability Task Force as created under Section 64 of Chapter 1034 of the 1983 Session Laws (Regular Session 1984) to continue to implement the recommendations of the General Assembly's Disability Review Study Commission.

(b) The current members of the Disability Task Force shall remain in place and three new members shall be appointed as follows:

(1) A physician licensed to practice in North Carolina who is familiar with the medical profession's role in the Social Security Disability process appointed by the Governor;

(2) An attorney representing the statewide class in the case of Hyatt v. Heckler, 757 F. 2d 1455 (4th Cir. 1985), appointed by the President of the Senate; and

(3) A person with experience in vocational rehabilitation matters for the disabled appointed by the Speaker of the House of Representatives.

METABOLIC SCREENING FUNDS

Sec. 83. There is appropriated from the General Fund to the Department of Human Resources, Division of Health Services, the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86, and the sum of one hundred thousand dollars ($100,000) for fiscal year 1986-87, to strengthen and expand statewide newborn metabolic screening services.

COMMUNITY GROUP HOMES AND APARTMENTS FUNDS

Sec. 84. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of six hundred fifty-nine thousand two hundred dollars ($659,200) for fiscal year 1985-86, and the sum of six hundred forty-eight thousand four hundred dollars ($648,400) for fiscal year 1986-87, to provide funds for State participation

in the operation of Community Group Homes and Apartments for mentally retarded adults being constructed by Section 202 HUD (12 U.S.C. § 1701q) funds under an agreement with the Association for Retarded Citizens.

CHILD PROTECTIVE SERVICES WORKER FUNDS

Sec. 85. There is appropriated from the General Fund to the Department of Human Resources, Division of Social Services, the sum of one million dollars ($1,000,000) for fiscal year 1985-86, and the sum of one million dollars ($1,000,000) for fiscal year 1986-87, to provide 50 additional child protective services workers for the county departments of social services.

MODEL LATCHKEY PROGRAM FUNDS

Sec. 86. There is appropriated from the General Fund to the Council for Children in Charlotte the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86, and the sum of fifty thousand dollars ($50,000) for fiscal year 1986-87, to fund a pilot School-Age Child Care Program for latchkey children, who are children who care for themselves when their parents are working and school is not in session.

FOSTER CARE BOARD RATE FUNDS

Sec. 87. There is appropriated from the General Fund to the Department of Human Resources, Division of Social Services, the sum of eight hundred eleven thousand five hundred twelve dollars ($811,512) for fiscal year 1985-86, and the sum of eight hundred eleven thousand five hundred twelve dollars ($811,512) for fiscal year 1986-87, to raise the foster care board rates from one hundred fifty dollars ($150.00) per child per month to two hundred dollars ($200.00) per child per month.

CRIPPLED CHILDREN'S PROGRAM FUNDS

Sec. 88. There is appropriated from the General Fund to the Department of Human Resources, Division of Health Services, the sum of four hundred nineteen thousand dollars ($419,000) for fiscal year 1985-86, and the sum of four hundred nineteen thousand dollars ($419,000) for fiscal year 1986-87, to increase the funding of the Crippled Children's Program.

NUTRITION AND DIETARY SERVICES FUNDS

Sec. 89. There is appropriated from the General Fund to the Department of Human Resources, Division of Health Services, the sum of one hundred eighty thousand five hundred seventy-six dollars ($180,576) for fiscal year 1985-86, and the sum of one hundred eighty thousand five hundred seventy-six dollars ($180,576) for fiscal year 1986-87, to expand the Division's nutrition and dietary services.

MISSION AIR FUNDS

Sec. 90. There is appropriated from the General Fund to Mission Air, Incorporated, the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 for operating costs for emergency transportation of the sick and injured; emergency transportation of organs, blood, and medicine; assistance and transportation in times of disaster; and other air ambulance services.

HARNETT HOSPICE PROGRAM FUNDS

Sec. 91. There is appropriated from the General Fund to Harnett County the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for start-up costs for the Harnett County Hospice Program.

COMMUNITY BASED ALTERNATIVES FUNDS

Sec. 92. There is appropriated from the General Fund to the Department of Human Resources, Division of Youth Services, the sum of one million dollars ($1,000,000) for fiscal year 1985-86, and the sum of one million dollars ($1,000,000) for fiscal year 1986-87, for the Community Based Alternatives Programs. These Program funds shall be distributed to the 100 counties to further support community programs for troubled youth, with emphasis on programs dealing with chronic status offenders, alternatives to secure detention, and diverting youth from training schools to community programs.

VITAL ORGAN PROCUREMENT FUNDS

Sec. 93. There is appropriated from the General Fund to the Carolina Organ Procurement Agency, Incorporated, the sum of one hundred fifty thousand dollars ($150,000) for fiscal year 1985-86 for operating expenses of the Agency in its work of establishing a statewide organ and tissue procurement agency, until it begins receiving funds to cover its expenses from the Health Care Financing Agency.

ACCEPT OPERATING FUNDS

Sec. 94. There is appropriated from the General Fund to the Advocacy Center for Children's Education and Parent Training (ACCEPT) the sum of twelve thousand dollars ($12,000) for fiscal year 1985-86 for operating expenses of the Center.

NEW BERN CHILD CENTER FUNDS

Sec. 95. There is appropriated from the General Fund to the Neuse Center for Mental Health, Mental Retardation, and Substance Abuse Services the sum of two hundred thousand dollars ($200,000) for fiscal year 1985-86 to construct a new facility for its child development center.

t.l.c. HOME FUNDS

Sec. 96. There is appropriated from the General Fund to t.l.c. Home, Incorporated, in Lee County the sum of two hundred thousand dollars ($200,000) for fiscal year 1986-87 to complete the construction of the Home.

DEVELOPMENTAL DISABILITIES STUDY FUNDS

Sec. 97. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of one hundred twenty thousand dollars ($120,000) for fiscal year 1985-86 to study the unserved needs of developmentally disabled persons.

LEE-HARNETT MENTAL HEALTH AUTHORITY FUNDS

Sec. 98. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of two hundred twenty-five thousand dollars ($225,000) for fiscal year 1985-86, and the sum of four hundred twenty-five thousand dollars ($425,000) for fiscal year 1986-87, to be used by the Lee-Harnett Area Mental Health, Mental

Retardation, and Substance Abuse Authority. Of the funds appropriated for fiscal year 1985-86, the sum of one hundred thousand dollars ($100,000) shall be used for renovating Good Hope Hospital in Erwin, and the remainder shall be used to provide inpatient services at that hospital as part of the South Central Deinstitutionalization Project. All the funds appropriated for fiscal year 1986-87 shall be used to provide inpatient services at Good Hope Hospital as part of the South Central Deinstitutionalization Project.

EASTERN REGION DETOXIFICATION FUNDS

Sec. 99. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of one million five hundred thousand dollars ($1,500,000) for fiscal year 1985-86, and the sum of two million dollars ($2,000,000) for fiscal year 1986-87, for detoxification services in the Division's eastern region. Of the funds appropriated for fiscal year 1985-86, the sum of five hundred four thousand five hundred eleven dollars ($504,511), and of the funds appropriated for fiscal year 1986-87 the sum of four hundred thirty-seven thousand two hundred eighty-three dollars ($437,283), shall be placed in a reserve for capital improvements to detoxification facilities in the Division's eastern region. The remaining funds shall be allocated to the following mental health, mental retardation, and substance abuse authorities in accordance with the table below and used for detoxification services:

Mental Health, Mental Retardation, and Substance Abuse Authority	*Fiscal Year 1985-86*	*Fiscal Year 1986-87*
Albemarle	$ 55,979	$101,780
Duplin-Sampson	61,146	111,175
Edgecombe-Nash	84,399	153,453
Halifax	68,897	68,897
Lenoir	40,477	73,595
Neuse	93,012	169,112
Onslow	139,361	139,361
Pitt	62,869	114,307
Roanoke-Chowan	93,951	93,951
Southeastern	113,681	206,692
Tideland	62,869	114,307
Wayne	65,452	119,004
Wilson-Greene	53,396	97,083

SICKLE CELL ANEMIA FUNDS

Sec. 100. There is appropriated from the General Fund to the Department of Human Resources, Division of Health Services, the sum of eighty thousand dollars ($80,000) for fiscal year 1985-86, and the sum of eighty thousand dollars ($80,000) for fiscal year 1986-87. Of these funds the sum of sixty thousand dollars ($60,000) for fiscal year 1985-86, and the sum of sixty thousand dollars ($60,000) for fiscal year 1986-87, shall be distributed equally among the four Sickle Cell Centers in the State, and the remaining funds shall be used for the Sickle Cell Anemia Program of the Division of Health Services.

FIRST STEP FARM FUNDS

Sec. 101. There is appropriated from the General Fund to the First Step Farm, an alcohol rehabilitation center in Buncombe County, the sum of forty thousand dollars ($40,000) for fiscal year 1985-86 for operating expenses.

ADULT DEVELOPMENTAL ACTIVITIES PROGRAM FUNDS

Sec. 102. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of eight hundred twelve thousand three hundred forty dollars ($812,340) for fiscal year 1985-86, and the sum of eight hundred twelve thousand three hundred forty dollars ($812,340) for fiscal year 1986-87, to be used to increase the reimbursement rate for Adult Developmental Activities Program (ADAP) slots to two hundred twenty-four dollars ($224.00) per month.

N. C. FAMILY OF THE YEAR FUNDS

Sec. 103. There is appropriated from the General Fund to North Carolina Family of the Year, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses to promote a North Carolina Family of the Year Award for five North Carolina families each year and to hold a Family of the Year banquet in all 100 counties.

JUSTICE/PUBLIC SAFETY

MISSING CHILDREN PROGRAM FUNDS

Sec. 104. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of one hundred seventy-eight thousand nine hundred fifty-seven dollars ($178,957) for fiscal year 1985-86, and the sum of one hundred thirteen thousand nine hundred fifty-seven dollars ($113,957) for fiscal year 1986-87, to fund the Missing Children Program.

DEPARTMENT OF JUSTICE FUNDS

Sec. 105. There is appropriated from the General Fund to the Department of Justice the sum of one million one hundred fifty thousand four hundred nineteen dollars ($1,150,419) for fiscal year 1985-86, and the sum of eight hundred seventy-three thousand eight hundred twenty-four dollars ($873,824) for fiscal year 1986-87, for operating expenses of the State Bureau of Investigation and the Attorney General's Office.

BLACK MOUNTAIN WOMEN'S PRISON FUNDS

Sec. 106. There is appropriated from the General Fund to the Department of Correction the sum of one hundred ninety-nine thousand fifty-five dollars ($199,055) for fiscal year 1985-86, and the sum of three hundred ninety-three thousand three hundred fifty-seven dollars ($393,357) for fiscal year 1986-87, for additional staff and operating expenses at the Women's Prison at Black Mountain.

BLACK MOUNTAIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 107. There is appropriated from the General Fund to the Town of Black Mountain the sum of one hundred thousand dollars ($100,000) for

fiscal year 1985-86 to purchase and relocate the fire station of the Black Mountain Volunteer Fire Department.

HIGHWAY PATROL COMMUNICATIONS EQUIPMENT AND CAMERA FUNDS

Sec. 108. There is appropriated from the Highway Fund to the Department of Crime Control and Public Safety the sum of one hundred sixty-two thousand dollars ($162,000) for fiscal year 1985-86 for communications equipment and cameras for the North Carolina Highway Patrol. Of these funds, seventy-two thousand dollars ($72,000) shall be used to purchase walkie/talkie repeater radios, seventy-five thousand dollars ($75,000) shall be used to purchase Signal 25's, and fifteen thousand dollars ($15,000) shall be used to purchase cameras and other photographic equipment to allow members of the Highway Patrol to photograph accident scenes.

HARNETT CORRECTIONAL CENTER FUNDS

Sec. 109. There is appropriated from the General Fund to the Department of Correction the sum of three hundred twenty-five thousand dollars ($325,000) for fiscal year 1985-86 for a vocational building at the Harnett Correctional Center.

WOMEN'S PRISON INFIRMARY FUNDS

Sec. 110. There is appropriated from the General Fund to the Department of Correction the sum of one million seven hundred thousand dollars ($1,700,000) for fiscal year 1985-86 to establish a special reserve to be used to construct a new infirmary for the North Carolina Correctional Center for Women. These funds shall not revert at the end of the fiscal year but shall remain available until expended for the construction of the infirmary.

INTENSIVE JUVENILE PROBATION FUNDS

Sec. 111. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of one hundred thirty thousand dollars ($130,000) for fiscal year 1985-86, and the sum of one hundred thirty thousand dollars ($130,000) for fiscal year 1986-87, to administer an intensive juvenile probation program.

NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

HAZARDOUS WASTE TREATMENT COMMISSION FUNDS

Sec. 112. There is appropriated from the General Fund to the Department of Commerce the sum of one hundred fifty thousand dollars ($150,000) for fiscal year 1985-86, and the sum of one hundred fifty thousand dollars ($150,000) for fiscal year 1986-87, for operating expenses of the North Carolina Hazardous Waste Treatment Commission.

FOREST DEVELOPMENT PROGRAM FUNDS

Sec. 113. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of three hundred thousand dollars ($300,000) for fiscal year 1985-86, and the sum of three hundred thousand dollars ($300,000) for fiscal year

1986-87, to be placed in the Forest Development Fund and used for the forest development program.

GEOLOGICAL SURVEY COOPERATIVE PROGRAM FUNDS

Sec *. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of ninety-three thousand dollars ($93,000) for fiscal year 1985-86, and the sum of ninety-three thousand dollars ($93,000) for fiscal year 1986-87, to fund the State's share of the United States Geological Survey Cooperative Program.

ZOOLOGICAL PARK FUNDS

Sec. 114. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of six million dollars ($6,000,000) for fiscal year 1985-86 for the North Carolina Zoological Park, provided the North Carolina Zoological Park Society raises the sum of one million five hundred thousand dollars ($1,500,000) to match this appropriation on a four-to-one basis. The Society shall periodically inform the Department of the amount of matching funds it has raised. The Department may expend the funds appropriated by this section only to the extent that the required matching funds have been raised. The funds appropriated by this section shall not revert at the end of the 1985-86 fiscal year, but shall remain available to the Department for the purpose stated in this section.

HAYWOOD AGRICULTURAL CENTER FUNDS

Sec. 115. There is appropriated from the General Fund to Haywood County the sum of two hundred thousand dollars ($200,000) for fiscal year 1985-86 to construct an agricultural center, provided a like amount of non-State funds is raised by Haywood County to match this appropriation on a dollar-for-dollar basis.

LIVING-HISTORY FARM FUNDS

Sec. 116. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of seventy thousand dollars ($70,000) for fiscal year 1985-86 for the purpose of developing a master plan and detailed cost estimate for a possible living-history farm as part of Pilot Mountain State Park.

NEW HANOVER FIRE PROTECTION FUNDS

Sec. 117. There is appropriated from the General Fund to the Department of Natural Resources and Community Development, Forest Resources Division, the sum of two hundred twenty-three thousand one hundred ninety-seven dollars ($223,197) for fiscal year 1985-86, and the sum of fifty-two thousand three hundred fifteen dollars ($52,315) for fiscal year 1986-87, to provide a medium fire suppression unit for New Hanover County, provided New Hanover County raises forty percent (40%) of the sums appropriated by this section to match this appropriation.

WESTERN FARMERS MARKET FUNDS

Sec. 118. There is appropriated from the General Fund to the Department of Agriculture the sum of five hundred fifteen thousand dollars ($515,000) for fiscal year 1985-86 for capital improvements to the Western Farmers Market in Buncombe County.

CLYDE WASTEWATER TREATMENT FUNDS

Sec. 119. There is appropriated from the General Fund to the Town of Clyde the sum of seventy-five thousand dollars ($75,000) for fiscal year 1985-86 to construct or improve wastewater treatment facilities for the Town, provided a like amount of non-State funds is raised by the Town of Clyde to match this appropriation on a dollar-for-dollar basis. The Town may not receive any of the funds appropriated by this section until it raises the total amount required as matching funds.

RIVER IMPROVEMENT FUNDS

Sec. 120. (a) There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of forty thousand dollars ($40,000) for fiscal year 1985-86, and the sum of forty thousand dollars ($40,000) for fiscal year 1986-87, to be allocated to the French Broad River Improvement Program to continue the ten-year water quality program administered through the Region B Council of Governments in compliance with Section 205 of the Federal Clean Water Act.

(b) This section is effective only to the extent that federal funds in these amounts are not available for and are not used for this purpose.

LAKE GASTON LITIGATION FUNDS

Sec. 121. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of thirty-four thousand nine hundred fifty dollars ($34,950) for the 1985-86 fiscal year, and the sum of fifty-three thousand two hundred eighty-seven dollars ($53,287) for the 1986-87 fiscal year, for technical support for the litigation involving Lake Gaston. These funds shall be used to gather, compile, and analyze water use data and other information necessary to demonstrate and quantify water needs in the Roanoke River Basin for municipal and industrial water use, agricultural irrigation, waste assimilation, and other instream uses.

WASTEWATER COLLECTION SYSTEM FUNDING/ALLOCATION

Sec. 122. The groundwater of certain areas of Scotland County was severely polluted by petroleum products from leaking underground storage tanks and the Council of State loaned Scotland County the sum of one hundred sixty thousand dollars ($160,000) to run waterlines to the affected areas in order to ensure the health and safety of the people living there; therefore, there is appropriated from the General Fund to Scotland County the sum of one hundred sixty thousand dollars ($160,000) for fiscal year 1985-86 to repay the loan from the Council of State.

NORTH CAROLINA HOUSING DEVELOPMENT ADVISORY SERVICE POSITIONS AND FUNDS

Sec. 123. (a) The six housing specialist positions in the Regional Housing Program of the Division of Economic Opportunity, Department of Natural Resources and Community Development, are transferred to the Division of Community Assistance effective July 1, 1985. It is the intent of the General Assembly that personnel employed in these positions as of May 1, 1985, shall be rehired.

(b) There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of two

hundred fifty-eight thousand dollars ($258,000) for the 1985-86 fiscal year, and the sum of two hundred fifty-eight thousand dollars ($258,000) for the 1986-87 fiscal year, for the positions transferred pursuant to subsection (a) of this section.

HAZELWOOD WATER SYSTEM FUNDS

Sec. 124. There is appropriated from the General Fund to the Town of Hazelwood the sum of seventy-five thousand dollars ($75,000) for fiscal year 1985-86 to construct a water supply system for the Town, provided a like amount of non-State funds is raised by the Town of Hazelwood to match this appropriation on a dollar-for-dollar basis. The Town may not receive any of the funds appropriated by this section until it raises the total amount required as matching funds.

CEDAR ISLAND FERRY TERMINAL FUNDS

Sec. 125. There is appropriated from the Highway Fund to the Department of Transportation the sum of three hundred seventy-seven thousand dollars ($377,000) for fiscal year 1985-86 to construct a mini-rest area at the Cedar Island Ferry Terminal, which may include a rest area building, a fenced play area, picnic shelters, a new ticket booth, improvements to existing offices, and security fencing.

STATE PARKS LAND PURCHASE FUNDS

Sec. 126. (a) There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of twelve million five hundred thousand dollars ($12,500,000) for fiscal year 1985-86, and the sum of twelve million five hundred thousand dollars ($12,500,000) for fiscal year 1986-87. Of these funds, the sum of five hundred thousand dollars ($500,000) for fiscal year 1985-86 shall be placed in a reserve and used to develop a State Park on Lake James if land becomes available for this purpose; the sum of four hundred thousand dollars ($400,000) for fiscal year 1985-86 shall be used to develop the Jordan State Forest in Chatham County by preparing interpretive exhibits and trails and by making other capital improvements to the Forest; the sum of two hundred fifty thousand dollars ($250,000) for fiscal year 1985-86 shall be used to purchase the remaining lands in Durham County designated by the Department's Division of Parks and Recreation for that portion of the Eno River State Park lying in Durham County; the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 shall be made available to the Town of Troy for park development; and the remainder of the funds appropriated for fiscal year 1985-86 shall be used to purchase the land determined to be the critical areas of the Park and Recreation System, as identified by the Department's Division of Parks and Recreation and prioritized as follows:

Carolina Beach State Park - land necessary to protect existing resources and eliminate inholding.

Merchants Millpond State Park - land necessary for campground, primary resource and entrance protection, and to complete the park.

Mount Jefferson State Park - land necessary to eliminate control problems along the existing park entrance.

Jockey's Ridge State Park - land necessary for access control, to eliminate inholdings, and to complete the park and protective buffer.

Pettigrew State Park - land necessary to complete the park and for access control.

New River - land necessary to complete the park.

Lake Waccamaw - land necessary to protect undeveloped shoreline and complete the park.

Mitchell Mill - land necessary to complete acquisition of rock outcroppings.

William B. Umstead - land necessary to protect the park along I-40 and U.S. 70 and to complete acquisition on the southeast boundary.

Cliffs of the Neuse - land necessary for river protection, new picnic and camping developments, and to complete the park.

Weymouth Woods - land necessary to complete park.

Stone Mountain - land necessary for park entrance, watershed protection, and natural resource protection.

South Mountains - land necessary to provide lands suitable for campground development, and visual and watershed protection of surrounding ridges and above High Shoals Falls.

Eno River - land necessary for river protection and access to Cole Mill Road Use Area.

(b) The funds appropriated for fiscal year 1986-87 shall be used to purchase the land determined to be the critical areas of the Park and Recreation System, as identified by the Division of Parks and Recreation of the Department and prioritized as follows:

Raven Rock - land necessary to protect Fish Creek watershed, to provide for facility development, and to complete the park.

White Lake - land necessary for a State Lake's visitors center.

Hammocks Beach - land necessary to provide park development on the mainland.

Crowders Mountain - land necessary to protect the slopes of Crowders Mountain and Kings Pinnacle and provide development area.

Mount Mitchell - land necessary to control access to the park and for resource protection.

Morrow Mountain - land necessary for inholding purchases and access control.

State Trails, including the Mountains-to-Sea Trail - land necessary to provide critical links and necessary public access.

William B. Umstead - land necessary to complete the park.

Bushy Lake - land necessary to protect the remaining portion of the bay area.

Medoc Mountain - land necessary to complete the park.

Goose Creek - land necessary to protect the entrance area.

State Rivers - land necessary for resource protection and public access.

Duke Power State Park - land necessary to eliminate inholdings and control access.

(c) The Department of Natural Resources and Community Development may purchase the areas specified in subsections (a) and (b) in any order or manner as is necessary for efficiency or cost-effectiveness and may use some of the funds appropriated by this section for land surveys and appraisal fees.

TECHNOLOGICAL DEVELOPMENT AUTHORITY FUNDS

Sec. 127. There is appropriated from the General Fund to the Department of Commerce the sum of one hundred twenty-eight thousand dollars ($128,000) for fiscal year 1985-86, and the sum of one hundred thousand dollars ($100,000) for fiscal year 1986-87, for programs of the North Carolina Technological Development Authority. Of the funds appropriated for fiscal year 1985-86, the sum of eighty-eight thousand dollars ($88,000) shall be used for the Innovation Research Fund and the sum of forty thousand dollars ($40,000) shall be used for operating expenses of the Authority. All the funds appropriated for fiscal year 1986-87 shall be used for the North Carolina Innovation Research Fund.

PIGEON RIVER WATER STUDY

Sec. 128. (a) There is appropriated from the General Fund to the Water Resources Research Institute of The University of North Carolina (hereinafter referred to as "the Institute") the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86, and the sum of fifty thousand dollars ($50,000) for fiscal year 1986-87, to conduct a study of the water quality of the portion of the Pigeon River above the Canton water supply intake (hereinafter referred to as "the watershed"). The purpose of the study shall be to serve as the basis of a water quality management plan for water supply and related purposes for the benefit of the citizens of eastern Haywood County and as a pilot project for similar areas elsewhere in the State. Subject to the availability of funds, the Institute may also initiate special studies in other water supply watersheds in the Pigeon River and French Broad River basins.

(b) The scope of the study shall include but need not be limited to water quality characteristics needed for public water supply purposes in the watershed; existing and projected water quality of the watershed; principal water pollution problems of the watershed, both present and projected; existing and projected sewage and waste collection and treatment facilities that discharge or would discharge into the watershed; and alternative methods to protect and improve the water quality of the watershed for public water supply purposes.

(c) The Institute shall publish a report of the Pigeon River study by November 15, 1987, and may publish one or more interim or supplemental reports.

CEDAR ISLAND SMALL PORT FUNDS

Sec. 129. (a) There is appropriated from the General Fund to the North Carolina Wildlife Resources Commission for fiscal year 1985-86 the sum of seventy-five thousand dollars ($75,000) to provide for construction of the planned boating access facility at Cedar Island, North Carolina.

(b) The North Carolina Department of Transportation is directed to extend the existing rock jetty on the eastern side of the Cedar Island Ferry Harbor to create a harbor of refuge for small boats to use that will not interfere with ferry traffic and is also directed to utilize its dredges to remove sand from this harbor to allow for small boat usage.

OCRACOKE ISLAND FERRY FACILITY FUNDS

Sec. 130. There is appropriated from the Highway Fund to the Department of Transportation the sum of two hundred thousand dollars

($200,000) for fiscal year 1985-86 to build permanent structures at the Ocracoke Island Ferry Facility.

VANCE LANDFILL ROAD FUNDS

Sec. 131. There is appropriated from the General Fund to Vance County the sum of forty thousand dollars ($40,000) for fiscal year 1985-86 to construct a road leading to the county landfill, provided a like amount of non-State funds is raised by Vance County to match this appropriation on a dollar-for-dollar basis.

COASTAL SUBMERGED LANDS FUNDS

Sec. 132. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of one hundred thirty-nine thousand dollars ($139,000) for fiscal year 1985-86, and the sum of two hundred thirty-six thousand dollars ($236,000) for fiscal year 1986-87, to pay for condemned claims of land under navigable waters pursuant to G.S. 113-206.

STANLY FIRE PLOW FUNDS

Sec. 133. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of two hundred thousand dollars ($200,000) for fiscal year 1985-86 to purchase a fire plow and related equipment for Stanly County.

BUNCOMBE FORESTRY BUILDING FUNDS

Sec. 134. There is appropriated from the General Fund to the Department of Natural Resources and Community Development, Forest Resources Division, the sum of three hundred sixty-nine thousand dollars ($369,000) for fiscal year 1985-86 to construct a forestry headquarters building for Buncombe County.

ALLEGHANY AGRICULTURAL CENTER FUNDS

Sec. 135. There is appropriated from the General Fund to Alleghany County the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86 to construct an Agricultural Center.

TRAVEL AND TOURISM FUNDS

Sec. 136. There is appropriated from the General Fund to the Department of Commerce, Division of Travel and Tourism, the sum of one million one hundred fifty-six thousand dollars ($1,156,000) for fiscal year 1985-86 for advertising and for tourism promotion grants.

SOLAR PEANUT DRYING RESEARCH FUNDS

Sec. 137. There is appropriated from the General Fund to the Department of Agriculture the sum of sixty-six thousand five hundred dollars ($66,500) for fiscal year 1985-86 for a solar-assisted peanut drying system at the Peanut Belt Research Station to do research on product quality and feasibility of these systems.

ARTIFICIAL REEF CONTROL AND FUNDS

Sec. 138. (a) G.S. 143B-286(2) is amended by adding a new subpart to read:

"k. Governing the location and utilization of artificial reefs in coastal waters."

(b) There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of three hundred thousand dollars ($300,000) for fiscal year 1985-86 to be placed in a reserve and used to construct artificial reefs from railroad boxcars. Any unexpended funds in this reserve at the end of fiscal year 1985-86 shall revert to the General Fund.

KEEP NORTH CAROLINA BEAUTIFUL FUNDS

Sec. 139. There is appropriated from the General Fund to Keep North Carolina Beautiful, Incorporated, the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to improve the visual environment of the State and to develop educational programs to accomplish this goal.

CROP DEPREDATION PILOT PROGRAM AND FUNDS

Sec. 140. There is appropriated from the Wildlife Fund to the Wildlife Resources Commission the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to implement a local use crop depredation pilot program in Pender County to compensate landowners for damage caused by wildlife. The Wildlife Resources Commission shall make the necessary rules and regulations to preserve wildlife and ensure the quality of the pilot program.

TRENT RIVER DRAW BRIDGE FUNDS

Sec. 141. There is appropriated from the Highway Fund to the Department of Transportation the sum of one million five hundred thousand dollars ($1,500,000) for fiscal year 1985-86 to replace the Trent River Railroad Draw Bridge.

Part II.
SPECIAL PROVISIONS

EXPAND MEMBERSHIP OF JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

Sec. 142. (a) The first sentence of G.S. 120-74 is amended by deleting "14" and substituting "22".

(b) The third sentence of G.S. 120-74 is amended by deleting "five" and substituting "nine".

(c) The fourth sentence of G.S. 120-74 is amended by deleting "four" and substituting "eight".

(d) This section is effective upon ratification.

BLOCK GRANT CORRECTION

Sec. 143. Section 4 of Chapter 479 of the 1985 Session Laws is amended in the chart for Alcohol and Drug Abuse and Mental Health Services Block Grant by rewriting entry 07. to read:

"07. Programs for Severely Emotionally Disturbed Children and Adolescents 17,377".

FORMULA DISTRIBUTION OF STATE VOCATIONAL EDUCATION FUNDS/SECONDARY

Sec. 144. To ensure a more balanced distribution of State and federal funds allocated for disadvantaged and handicapped students, the State Board of Education shall distribute to each of the local school

administrative units the State vocational education funds that are required to match federal funds for the disadvantaged and for the handicapped, based on the following formula:

Factor	*Point Value*
(1) Concentration of Low Income Families	18-32
(2) Relative Financial Abilities	18-32
(3) Economically Depressed Areas	5-20
a. Designated Area Reimbursement Rate (0-6)	
b. General Unemployment (5-14)	
(4) Average Daily Membership (ADM)	4-16
Range of Points	45-100

Once the local school administrative units' total allotments are calculated, the State Board of Education shall combine each local school administrative unit's State and federal allotments into single allotments, one for the disadvantaged and one for the handicapped. The combined allotment for the disadvantaged shall require a local match based on the local school administrative unit's ability to pay, ranging from twenty-eight percent (28%) to thirty-two percent (32%), as is presently the case. The combined allotment for the handicapped shall be distributed with no local matching requirements.

CENTRAL PAY FOR SCHOOLS MODIFIED

Sec. 145. (a) G.S. 115C-12(18) is rewritten to read:

"(18) Duty to Develop and Implement a Central Payroll System. The State Board of Education shall develop and implement a central payroll system for all payments from State or federal funds for employees of local school administrative units as selected by the State Board. By the 1987-88 school year, all State-funded and federally funded employees of local school administrative units shall be paid through this system.

Payments through the central payroll system shall be made by electronic funds transferred to a financial institution in an account designated by the employee; however, the State Board may authorize payment by payroll check to certain classes of temporary employees that the State Board finds it would be administratively more efficient to pay in that manner.

All employees paid through the central payroll system shall be paid monthly on one of two statewide payroll dates established by the State Board. The State Board shall designate which classes of employees shall be paid on each of the two dates. This paragraph may not be construed to authorize payment to any employee for work not yet done.

Each employee shall receive a statement of his pay level and annual salary with the first salary payment of each school year.

Payments made to employees from non-State and non-federal funds, including local supplements, shall be made through the local payroll system unless the local school administrative unit is included in the central payroll system and its local board of education requests in writing that these payments be made through the central payroll system."

(b) Local acts establishing payroll dates for local school administrative units do not apply to payments made to employees through the central payroll system. Payments to employees that are made through

a local payroll system may be made on the statewide payroll dates or on the payroll dates set by local act, at the discretion of the local boards of education.

(c) G.S. 115C-272(b)(1) is amended by deleting the first sentence and substituting:

"Salary payments to superintendents made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C-12(18). Salary payments to superintendents made through a local payroll system may be made monthly on the basis of each calendar month of service or on the statewide payroll date for superintendents, at the discretion of the local board."

(d) G.S. 115C-285(a)(1) is amended by deleting the first sentence and substituting:

"Classified principals and State-allotted supervisors shall be employed for a term of 12 calendar months. Salary payments to classified principals and State-allotted supervisors made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C-12(18). Salary payments to classified principals and State-allotted supervisors made through a local payroll system may be made monthly at the end of each calendar month of service or on the statewide payroll date for such employees, at the discretion of the local board."

(e) G.S. 115C-302(a)(1) is amended by deleting the first sentence up to the proviso and substituting:

"Regular State-allotted teachers shall be employed for a period of 10 calendar months. Salary payments to regular State-allotted teachers made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C-12(18). Salary payments to regular State-allotted teachers made through a local payroll system may be made monthly at the end of each calendar month of service or on the statewide payroll date for such employees, at the discretion of the local board:".

(f) G.S. 115C-302(a)(2) is amended by deleting the first sentence up to the proviso and substituting:

"State-allotted months of employment to local boards of education as provided by the State Board of Education shall be used for the employment of teachers of occupational education for a term of employment as determined by the local boards of education. Salary payments to these occupational education teachers made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C-12(18). Salary payments to these occupational education teachers made through a local payroll system may be made monthly at the end of each calendar month of service or on the statewide payroll date for these employees, at the discretion of the local board:".

(g) G.S. 115C-316(a)(1) is amended by deleting the first sentence and substituting:

"Salary payments to employees other than superintendents, supervisors, and classified principals employed on an annual basis made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C-12(18). Salary payments to these employees

made through a local payroll system may be made monthly at the end of each calendar month of service or on the statewide payroll date for these employees, at the discretion of the local board."

(h) G.S. 115C-316(a)(2) is amended by deleting the first sentence up to the proviso and substituting:

"Salary payments to employees other than those covered in G.S. 115C-272(b)(1), 115C-285(a)(1) and (2), 115C-302(a)(1) and (2), and 115C-316(a)(1) made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C-12(18). Salary payments to these employees made through a local payroll system may be made at a time determined by each local board of education or may be made monthly on the statewide payroll date for these employees, at the discretion of the local board. Expenditures for the salary of these employees from State funds shall be within allocations made by the State Board of Education and in accordance with rules and regulations approved by the State Board of Education concerning allocations of State funds:".

(i) G.S. 115C-47(21) is amended by deleting the word "centralized" wherever it appears and substituting "central".

(j) A new section is added to Article 2 of Chapter 115C of the General Statutes to read:

"§ 115C-13. *Duty to maintain confidentiality of certain records.*—Except as otherwise provided by federal law, local boards of education and their officers and employees shall provide to the State Board and to the Superintendent all information needed to carry out their duties. It is unlawful for any member of the State Board of Education, the Superintendent of Public Instruction, or any employee or officer of the State Board of Education or the Department of Public Instruction to disclose any of this information that the local board or its officers or employees could not lawfully disclose. This disclosure is a misdemeanor, punishable by a fine of not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000), imprisonment, or both."

(k) Notwithstanding the provisions of this section, an employee who has received at least one payroll check from a local school administrative unit may elect, when that local school administrative unit is included in the central payroll system, to continue to be paid by payroll check instead of by electronic funds transfer. This election shall be made in writing on a form provided by the State Board. An employee, who has been paid by electronic funds transfer through the central payroll system by a local school administrative unit may not elect to be paid by that local school administrative unit via payroll check.

The payroll check of an employee who elects to be paid by payroll check pursuant to the provisions of this section shall be mailed to the employee from the office of the State Board in Raleigh on the day it is due.

(l) The State Budget Office is authorized to transfer unexpended funds from the Public School Fund to the State Board to support the needs of local school administrative units in implementing the central payroll system.

(m) G.S. 115C-29(b) is amended by adding a new subdivision to read:

"(11a) He shall have responsibility for the successful implementation of the central payroll system. This responsibility shall include recommending to the Board a systematic evaluation and selection process for qualifying vendors to specify payroll software requirements, systems software requirements, systems software and hardware, and any other expertise necessary to the central payroll requirements definition, system design, or implementation. It shall further include the responsibility to recommend to the Board termination of any contractual relationship where the contractor's performance is not meeting previously agreed upon performance standards, product standards, or deadlines. He shall report his progress monthly to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Commission."

COMMUNITY COLLEGE/MATCHING FUNDS FOR CAPITAL PROJECTS

Sec. 146. G.S. 115D-31(a)(1) is amended by adding a new sentence at the end to read:

"Notwithstanding the provisions of this subdivision, G.S. 116-53(b), or G.S. 143-31.4, appropriations by the State of North Carolina for capital or permanent improvements for community colleges and technical institutes may be matched with any prior expenditure of non-State funds for capital construction or land acquisition not already used for matching purposes."

SATELLITE COUNTY/APPOINTMENTS TO BOARDS OF TRUSTEES

Sec. 147. (a) G.S. 115D-12(a) is amended in the first sentence by inserting after the phrase "of 13 members," the phrase "or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection,".

(b) G.S. 115D-12(a) is further amended in the third paragraph, designated by the words "Group Two", by inserting a new sentence between the second and third sentences to read: "Provided, also, the county commissioners of the county in which the community college or technical institute has established a satellite campus may elect an additional two members if the board of trustees of the commmunity college or technical institute agrees."

COMMUNITY COLLEGE SATELLITE FUNDS/REQUIREMENTS

Sec. 148. (a) G.S. 115D-32 is amended by adding a new subsection at the end to read:

"(d) The counties that agree to have satellite campuses of community colleges or technical institutes located in them accept the maintenance and utility costs of these satellite campuses."

(b) Boards of county commissioners may enter into contracts for the construction of satellite campuses of community colleges or technical institutes, to be located in their counties.

(c) Funds appropriated in Chapter 480 of the 1985 Session Laws to the Department of Community Colleges that are used to construct satellite facilities of a community college or technical institute shall be paid directly to the board of county commissioners of the county where the facility is to be built upon the board's entering into a contract for construction of the building. These funds shall be paid to the board of

county commissioners according to the payment schedule contained in the construction contract.

(d) The board of county commissioners of the county in which a satellite campus of a community college or technical institute is to be constructed shall submit the plans for the satellite facility's construction to the board of trustees of the community college or technical institute that will be operating the facility for its approval prior to entering into any contract for the construction of the satellite facility.

(e) A satellite facility may be used only as a satellite facility of the community college or technical institute that operates it and for no other purpose except as approved by the board of trustees of the community college or technical institute that has been assigned the county where the satellite facility is located as a service delivery area either by an act of the General Assembly or by the State Board of Community Colleges.

ALLOCATION FOR CAPE FEAR TECHNICAL INSTITUTE

Sec. 149. Of the funds allocated to Cape Fear Technical Institute by Section 5.16 of Chapter 480 of the 1985 Session Laws for fiscal year 1985-86, three hundred thousand dollars ($300,000) shall be used for the construction of a satellite in Pender County.

ALLOCATION FOR CENTRAL CAROLINA TECHNICAL COLLEGE

Sec. 150. Section 5.16(f) of Chapter 480 of the 1985 Session Laws is rewritten to read:

"(f) Of the funds allocated to Central Carolina Technical College by this section for fiscal year 1985-86, one hundred thousand dollars ($100,000) shall be used for the completion of the satellite in Harnett County. The 49-year lease of land for this facility satisfies the matching requirement for these funds."

TRI-COUNTY AND ANSON COUNTY FUNDS/NO MATCH REQUIREMENT

Sec. 151. Funds allocated to Tri-County Community College and to Anson Technical College by Section 5.16 of Chapter 480 of the 1985 Session Laws are not subject to any requirements that they be matched by local funds.

UNENCUMBERED UNIVERSITY FUNDS/ADVANCE PLANNING

Sec. 152. (a) Notwithstanding any other provision of law, any unencumbered or unexpended funds remaining in capital improvement codes credited to The University of North Carolina Board of Governors or the 16 constituent institutions for projects not enumerated by the General Assembly may be used for advance planning within the University system.

TEACHER PREPARATION PROGRAM STUDY TASK FORCE

Sec. 153. The second paragraph of Section 72 of Chapter 479 of the 1985 Session Laws is amended by deleting the date "August 1, 1985" and substituting "October 1, 1985".

MILITARY TUITION

Sec. 154. Section 69(a) of Chapter 479 of the 1985 Session Laws, is rewritten to read:

"(a) G.S. 116-143.3(b) is rewritten to read:

'(b) Any member of the armed services qualifying for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the out-of-State tuition rate; provided, that the out-of-State tuition shall be forgiven to the extent that the out-of-State tuition rate exceeds any amounts payable to the institution or the service member by the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty, plus the amount that represents the percentage of the out-of-State tuition rate paid to the institution or the service member by the service member's employer multiplied by the in-State tuition rate and then subtracted from the in-State tuition rate.'"

DAY CARE REORGANIZATION

Sec. 155. (a) Chapter 143B of the General Statutes is amended by adding a new Part to Article 3 to read:

"Part 10A.
"Child Day Care Commission.

"§ 143B-168.1. *Child Day Care Commission - powers and duties.*—The Child Day Care Licensing Commission of the Department of Administration is transferred, recodified, and renamed the Child Day Care Commission of the Department of Human Resources with the power and duty to adopt rules to be followed in the licensing and operation of child day care facilities and day care plans as provided by Article 7 of Chapter 110 of the General Statutes.

(a) The Child Day Care Commission shall adopt rules:

(1) For the issuance of licenses to any day care facility; and

(2) To register day care plans and to adopt rules as provided by Article 7 of Chapter 110 of the General Statutes of the State of North Carolina, and to establish standards for 'AA' licenses, as authorized by G.S. 110-88(7).

(b) The Commission shall adopt rules consistent with the provisions of this Chapter. All rules not inconsistent with the provisions of this Chapter heretofore adopted by the Child Day Care Licensing Commission or the Social Services Commission shall remain in full force and effect unless and until repealed or superseded by action of the Child Day Care Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Human Resources.

"§ 143B-168.2. *Child Day Care Commission - members; selection; quorum; compensation.*—The Child Day Care Commission of the Department of Human Resources shall consist of 15 members. Seven of the members shall be appointed by the Governor and eight by the General Assembly, four upon the recommendation of the President of the Senate, and four upon the recommendation of the Speaker of the House of Representatives. Four of the members appointed by the Governor, two by the General Assembly on the recommendation of the President of the Senate, and two by the General Assembly on the recommendation of the Speaker of the House of Representatives, shall be members of the public

who are not employed in, or providing, day care and who have no financial interest in a day care facility or plan. Two of the foregoing public members appointed by the Governor, one of the foregoing public members recommended by the President of the Senate, and one of the foregoing public members recommended by the Speaker of the House of Representatives shall be parents of children receiving day care services. Three of the members appointed by the Governor shall be day care providers, two of whom shall be affiliated with a for profit day care plan or facility and one of whom shall be affiliated with a nonprofit plan or facility. Two of the members appointed by the General Assembly on the recommendation of the President of the Senate, and two by the General Assembly on recommendation of the Speaker of the House of Representatives, shall be day care providers, one affiliated with a for profit day care facility or plan and one affiliated with a nonprofit day care facility or plan. None may be employees of the State. Members shall be appointed as follows:

(1) Of the Governor's initial appointees, four shall be appointed for terms expiring June 30, 1986, and three shall be appointed for terms expiring June 30, 1987;

(2) Of the General Assembly's initial appointees appointed upon recommendation of the President of the Senate, two shall be appointed for terms expiring June 30, 1986, and two shall be appointed for terms expiring June 30, 1987;

(3) Of the General Assembly's initial appointees appointed upon recommendation of the Speaker of the House of Representatives, two shall be appointed for terms expiring June 30, 1986, and two shall be appointed for terms expiring June 30, 1987.

Appointments by the General Assembly shall be made in accordance with G.S. 120-121. After the initial appointees' terms have expired, all members shall be appointed to serve two-year terms. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

A vacancy occurring during a term of office is filled:

(1) By the Governor, if the Governor made the initial appointment;

(2) By the General Assembly, if the General Assembly made the initial appointment in accordance with G.S. 120-122.

At its first meeting the Commission members shall elect a chairman to serve a two-year term. Chairmen shall be elected for two-year terms thereafter. The same member may serve as chairman for two consecutive terms.

Commission members may be reappointed and may succeed themselves for a maximum of four consecutive terms.

The Commission shall meet quarterly, and at other times at the call of the chairman or upon written request of at least six members.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5. A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Human Resources."

(b) G.S. 120-123 is amended by adding a new subdivision to read:

"(43) The Child Day Care Commission, as established by G.S. 143B-168.1."

(c) G.S. 110-86(1) is amended by deleting the word "Licensing".

(d) G.S. 110-88(2) is amended by deleting the word "Commission" and by substituting the word "Department".

(e) G.S. 110-88(6) and (8) are amended by deleting the word "Administration" and by substituting the words "Human Resources".

(f) Part 4 of Article 9 of Chapter 143B, G.S. 143B-375 and G.S. 143B-376, is recodified as Part 10A of Article 3 of Chapter 143B, G.S. 143B-168.1 and G.S. 143B-168.2; and reference to it in the Table of Contents at the beginning of the Chapter is amended accordingly.

(g) G.S. 110-90 is amended in the catch line and in the first sentence by deleting the words "*Administration*" and "Administration" and by substituting the words "*Human Resources*" and "Human Resources".

(h) G.S. 110-91 is amended in the second sentence by deleting the word "Administration" and by substituting the words "Human Resources".

(i) G.S. 110-91(9) is amended in the third paragraph by deleting the word "Administration" and by substituting the words "Human Resources".

(j) G.S. 110-92 is amended by repealing the first paragraph, and is further amended in the second and third paragraphs by deleting the word "Administration" and by substituting the words "Human Resources"; and is further amended in the third paragraph by deleting the word "Commission" and by substituting the word "Department".

(k) G.S. 110-93(a) is amended by deleting the word "Commission" and by substituting the word "Department".

(l) G.S. 110-93(b) is amended by deleting the word "Administration" and substituting the words "Human Resources".

(m) G.S. 110-94 is amended by deleting the word "Licensing".

(n) G.S. 110-100 is amended by deleting the word "Administration" and by substituting the words "Human Resources".

(o) G.S. 110-102 is amended in the first and second sentences by deleting the word "Administration" and by substituting the words "Human Resources".

(p) G.S. 110-106(b)(1) is amended by deleting the word "Licensing".

(q) The statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and purchasing, of the North Carolina Day Care Licensing Commission of the Department of Administration is transferred to the Department of Human Resources. The statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the Office of Day Care Licensing of the Department of Administration and of the Office of Day Care Services of the Department of Human Resources, are transferred to the Division of Facility Services of the Department of Human Resources. Any disputes arising out of this transfer shall be resolved by the Governor pursuant to G.S. 143B-4.

(r) The Secretary of the Department of Human Resources shall report in writing to the 1985 General Assembly, Regular Session 1986, and

to the Joint Legislative Commission on Governmental Operations documenting the progress of the implementation of this act. A copy of the report shall be delivered to the President of the Senate, the Speaker of the House, the Chairmen of the House and Senate Committee on Children and Youth, the Joint Legislative Commission on Children and Youth, and to the Fiscal Research Division.

(s) There is appropriated from the General Fund to the Department of Human Resources the sum of sixty-three thousand dollars ($63,000) for fiscal year 1985-86, and the sum of twelve thousand dollars ($12,000) for fiscal year 1986-87, to fund the Child Day Care Commission.

DAY CARE/STANDARDS/ABUSE AND NEGLECT PROTECTION/ENFORCEMENT

Sec. 156. (a) G.S. 110-88(3) is rewritten to read:

"(3) To make rules establishing minimum and reasonable standards for the operation of day-care plans and the issuance of registration certificates. These rules shall establish minimum standards of health, sanitation, and safety that will be required in day-care plans and will recognize the vital role that parents and guardians play in the monitoring of the care provided in day-care plans."

(b) G.S. 110-90.1 is amended by adding two new sentences at the end to read:

"The person registered to provide care in a day-care plan shall be at least 18 years of age or a high school graduate. A person who is not a high school graduate, and who is less than 18 years of age, but at least 16 years of age, may work on a day-care plan if under the direct supervision of the person registered to provide the care."

(c) G.S. 110-91(2) is amended by rewriting the first paragraph to read:

"Each child in a day-care facility shall receive nutritious food and refreshments under rules to be adopted by the Commission. After consultation with the Division of Health Services of the Department of Human Resources, nutrition standards shall provide for specific requirements for infants. Nutrition standards shall provide for specific requirements for children older than infants, including a daily food plan for meals and snacks served that shall be adequate for good nutrition. The number and size of servings and snacks shall be appropriate for the ages of the children and shall be planned according to the number of hours the child is in care. Menus for meals and snacks shall be planned at least one week in advance, dated, and posted where they can be seen by parents."

(d) G.S. 110-91(6) is amended by deleting the words "Space Requirements" and by substituting "Space and Equipment Requirements", and by adding a new paragraph at the end to read:

"Each day-care facility shall provide equipment and furnishings that are child size, sturdy, safe, and in good repair. Space shall be available for proper storage of beds, cribs, mats, cots, sleeping garments, and linens as well as designated space for each child's personal belongings."

(e) G.S. 110-91(7) is amended by rewriting sub-subdivisions a., b., and c. to read:

"a. For day-care facilities caring for fewer than 30 children of whom more than half are under the age of two, the ratios are as prescribed by sub-subdivision c. of this subdivision.

b. For the other facilities caring for fewer than 30 children, the ratios are as follows:

1. In facilities licensed for six to 10 children, inclusive, one adult caregiver present, giving care, with another person who is at least 16 years of age available for emergencies in relief.
2. In facilities licensed for 11 to 20 children, inclusive, two adult caregivers present, giving care.
3. In facilities licensed for 21 to 29 children, inclusive, three adult caregivers present, giving care.

Maximum group size for each age is fixed at twice the child/staff ratio for the respective age groups, but not larger than 25.

c. For facilities caring for 30 or more children, the ratios and maximum group sizes are as follows:

Ages of Children	*No. of Children*	*Staff*	*Group Size*
0 to 2 years	7	1	14
2 to 3 years	12	1	24
3 to 4 years	15	1	25
4 to 5 years	20	1	25
5 years and older	25	1	25

1. Children under two years of age shall be kept separate from older children, and with a full-time adult always in attendance.
2. Staff members required to be responsible for the care of children shall not have responsibility for food preparation.
3. Excluding children under two years of age, any facility may provide care for ten percent (10%) more children than the number and group for which it is licensed. This tolerance shall be used only in emergency situations or to provide for after-school care for school-age children."

(f) G.S. 110-91(8) is amended by adding a new paragraph at the end to read:

"The Commission shall adopt standards to establish the minimum educational requirements for directors, staff, and staff assistants. These standards shall reflect training, experience, education, or credentialing. It is the intent of this provision to guarantee that all children in day care are cared for by qualified people but also to recognize that qualifications for good child care may not be limited to formal education or training standards. To this end, the standards adopted by the Commission pertaining to training and educational requirements shall include provision that these requirements may be met by informal as well as formal training and educational experience. No requirements may interfere with the teachings or doctrine of any established religious organization."

(g) G.S. 110-91(10) is amended by adding a new paragraph at the end to read:

"Each day-care facility shall have a written policy on discipline, which policy describes the methods and practices used to discipline children

enrolled in that facility. This written policy shall be discussed with, and a copy given to, each child's parent prior to the first time the child attends the facility. Subsequently, any change in discipline methods or practices shall be communicated in writing to the parents prior to the effective date of the change."

(h) G.S. 110-91 is amended by adding the following new subdivisions to read:

"(11) Staff Development. The Commission shall adopt minimum standards for ongoing staff development for facilities. These standards shall include a requirement that each day-care facility shall have a written staff development plan that shall include training activities for each staff member.

(12) Planned Age Appropriate Activities. Each day-care facility shall have a planned schedule of activities posted in a prominent place to enable parents to review it, and a written plan of age appropriate activities available to parents. Each facility shall have age appropriate activities and play materials to implement the written plan.

(13) Transportation. All day-care facilities shall abide by North Carolina law regulating the use of seat belts and child passenger restraint devices. All vehicles operated by any facility staff person or volunteer to transport children shall be properly equipped with appropriate seat belts or child restraint devices as approved by the Commissioner of Motor Vehicles. Each adult and child shall be restrained by an appropriate seat safety belt or restraint device when the vehicle is in motion. These restraint regulations do not apply to commercial vehicles, or other vehicles not required to be equipped with seat restraints. All vehicles used to transport children shall meet and maintain the safety inspection standards of the Division of Motor Vehicles of the Department of Transportation and the facility shall comply with all other applicable State and federal laws and regulations concerning the operation of a motor vehicle. Children may never be left unattended in a vehicle.

The ratio of adults to children in day-care vehicles may not exceed the staff/child ratios prescribed by G.S. 110-91(7). The Commission shall adopt standards for transporting children under the age of two, including standards addressing this particular age's staff/child ratio during transportation."

(i) G.S. 110-101 is amended in the catch line by deleting the period and by substituting the following:

"; *minimum standards for plans.*"

(j) G.S. 110-101 is further amended by adding the following new sentences at the end:

"Day-care plans shall meet as a condition of registration reasonable, minimum standards of health, sanitation, and safety adopted pursuant to rules promulgated by the Commission, and shall maintain these standards for as long as they remain day-care plans. A registration certificate shall be issued and remain valid for a two-year period unless revoked or modified. Each plan shall display its current registration certificate in a prominent place."

(k) G.S. 110-106 is amended by deleting the phrase "G.S. 110-91" wherever it appears, and by substituting the phrase "the applicable

provisions of G.S. 110-91"; and is further amended by adding a new subsection (c) to read:

"(c) G.S. 110-91(11), G.S. 110-91(12), and the second paragraph of G.S. 110-91(8) do not apply to religious sponsored day-care facilities, and these facilities are exempt from any requirements prescribed by subsection (b) of this section that arise out of these provisions."

(l) Article 7 of Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-106.1. *Religious sponsored day-care plans.*—The requirements and exemptions that apply to religious sponsored day-care facilities pursuant to G.S. 110-106 apply to religious sponsored day-care plans, except that the religious sponsored day-care plans shall also comply with the minimum standards of health, sanitation, and safety pescribed by G.S. 110-88(3)."

(m) G.S. 143B-375(1)b. is amended by inserting immediately after the word "register" the phrase "and adopt standards for".

(n) Subsections (i) through (m) of this section apply to day-care plans in existence or seeking registration according to the following schedule:

(1) For day care plans in counties with populations of 100,000 or more, on and after January 1, 1987;

(2) For day care plans in counties with populations of 50,000 or more but less than 100,000, on July 1, 1987;

(3) For day care plans in counties with populations of 25,000 or more but less than 50,000, on January 1, 1988;

(4) For day care plans in counties with populations of less than 25,000, on July 1, 1988.

The 1980 census shall provide the population data.

Upon ratification of this act, the North Carolina Child Day Care Commission shall adopt regulations and standards to implement this section, which regulations and standards shall be effective on January 1, 1986, and apply to day-care plans according to the schedule set out in this subsection. Those building standards adopted by units of local government shall not be a cause to penalize those day care centers which have been built according to those building standards or regulations which may be imposed pursuant to this Article.

(o) Subsection (f) of this section shall become effective January 1, 1987.

(p) Subsections (a) through (e) and subsections (g) through (n) of this section shall become effective January 1, 1986.

(q) G.S. 7A-517(5) is amended by adding a new sentence at the end to read:

"'Caretaker' also means any adult present with the approval of the care provider in a day-care plan or facility as defined in G.S. 110-86."

(r) There is established within the North Carolina Child Day Care Commission a special unit to deal primarily with day-care licensing and registration violations involving child abuse and neglect. The Commission shall make rules sufficient to define the duties of the special unit and to describe how it is to function as a special unit within the Commission as a whole.

(s) G.S. 7A-548 is amended in the catch line by deleting the period and by substituting the following: "; *notification of Child Day Care Commission.*"

(t) G.S. 7A-548 is further amended by inserting a new paragraph between the second and the third to read:

"If the report received pursuant to G.S. 7A-543 involves abuse or neglect of a juvenile in day care, either in a day-care facility or a day-care plan, the Director shall notify the North Carolina Child Day Care Commission within 24 hours or on the next working day of receipt of the report. Upon completion of the investigation, the Director shall notify the Commission of the results of the investigation required by G.S. 7A-544."

(u) G.S. 7A-548 is amended in the catch line by inserting between the word "*abuse*" and the period the phrase ", *neglect*"; and is further amended by designating all the language as subsection (a); and is further amended by adding a new subsection (b) to read:

"(b) If the Director finds evidence that a juvenile has been abused or neglected as defined by G.S. 7A-517 in a day-care facility or plan, he shall immediately so notify the Child Day Care Commission in such a way as does not violate the law guaranteeing the confidentiality of the records of the Department of Social Services."

(v) G.S. 110-102 is amended by adding a new sentence at the end to read:

"The summary shall also include a statement regarding the mandatory duty prescribed in G.S. 7A-543 of any person suspecting child abuse or neglect has taken place in day care, or elsewhere, to report to the county Department of Social Services. The statement shall include the definitions of child abuse and neglect described in the Juvenile Code in G.S. 7A-517 and of child abuse described in the Criminal Code in G.S. 14-318.2 and G.S. 14-318.4. The statement shall stress that this reporting law does not require that the person reporting reveal his identity."

(w) Chapter 110 is amended by adding a new section to read:

"§ 110-105.2. *Abuse and neglect violations.*—For purposes of this Article, child abuse and neglect, as defined in G.S. 7A-517 and in G.S. 14-318.2 and G.S. 14-318.4, occurring in day-care facilities and plans, are violations of the licensure and registration standards and of the licensure and registration law."

(x) Subsection (r) of this section shall become effective July 1, 1985.

(y) Subsections (q), and subsections (s) through (w) of this section shall become effective October 1, 1985.

(z) G.S. 110-88(2) is amended by deleting the words "To approve the issuance of licenses for day-care facilities", and by substituting "To require that the issuance of licenses for day-care facilities be".

(aa) G.S. 110-88 is amended by adding a new subdivision to read:

"(6.1) To make rules for the issuance of a special provisional license or registration to a facility or plan, if the Commission's investigations pursuant to G.S. 110-105(a)(3) or 110-105.1(4) indicate that child abuse or neglect occurred in the facility or plan and that the operator caused, had knowledge of, or, after exercising reasonable care and diligence, should have had knowledge of the abuse or neglect. If the Commission's investigations indicate that the operator did not cause, did not have

knowledge of, or, after exercising reasonable care and diligence, could not have known of the abuse or neglect, the Commission shall issue a written warning to the operator requiring that specific corrective action be taken as soon as possible. The Commission shall make a second investigation within a week of the first to determine whether the specific corrective action has been taken. If this action has not been taken, the Commission shall issue the special provisional license or registration.

The facility or plan shall post the provisional license or registration, and clearly written reasons why it was issued, where the parents can see it. Under the terms of the provisional license or registration, the facility or plan may not accept any new children until the Commission notifies it that it is satisfied that the abusive or neglectful situation no longer exists and that the abuser or neglecter has been permanently removed. The provisional license or registration shall be in effect for six months from imposition and may not be renewed. During this six-month period the Commission shall provide for at least three surprise investigations.

The Commission shall make the rules necessary to issue the formal warnings and provisional licenses and registrations established by this subdivision. Nothing in this subdivision shall restrict the Commission from using any other statutory or administrative remedies available."

(bb) G.S. 110-88(9) is repealed.

(cc) G.S. 110-90 is amended by adding a new subdivision to read:

"(9) To levy a civil penalty pursuant to G.S. 110-103.1, after a hearing pursuant to G.S. 110-90(5), or to order summary suspension of a license pursuant to G.S. 150A-3(c), pending review by a hearing officer."

(dd) G.S. 110-90(5) is amended by adding a new sentence at the end to read:

"All hearings for this purpose shall be held in accordance with the Administrative Procedure Act and conducted by an impartial hearing officer."

(ee) G.S. 110-98 is rewritten to read:

"§ 110-98. *Mandatory compliance.*—It shall be unlawful for any operator or employee of a day-care facility or day-care plan to offer or provide day care without complying with the provisions of this Article."

(ff) Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-102.1. *Administrative penalties.*—After a hearing has been held, the hearing officer or officers may order one or more of the following sanctions:

(1) Issue a written warning and a request for compliance;

(2) Issue an official written reprimand;

(3) Place a licensee upon probation until his compliance with this Article has been verified by the Commission or its agent;

(4) Order suspension of a license for a specified length of time not to exceed one year;

(5) Permanently revoke a license issued under this Article. The Secretary shall implement the decision of the hearing officer or officers."

(gg) Chapter 110 of the General Statutes is amended by rewriting the catch line of G.S. 110-103 to read "*Criminal penalty*", and by adding a new section to read:

"§ 110-103.1. *Civil penalty.*—(a) A civil penalty of not more than one thousand dollars ($1,000) may be levied against any licensee who violates any provision of this Article. Every licensee shall be provided a schedule of the civil penalties established by the Commission pursuant to this Article.

(b) In determining the amount of the penalty, the threat of or extent of harm to children in care as well as consistency of violations shall be considered, and no penalty shall be imposed under this section unless there is a specific finding that this action is reasonably necessary to enforce the provisions of this Article or its rules.

(c) After a hearing as provided in G.S. 110-90(5), the person assessed shall be notified of the assessment by registered or certified mail, and the notice shall specify the reasons for the assessment. If the licensee assessed fails to pay the amount of the assessment to the Department within 30 days after receipt of notice, or a longer period, not to exceed 180 days, that may be specified in the notice, the Secretary may institute a civil action in the superior court of the county in which the violation occurred, or, in the discretion of the Department, in the superior court of the county in which the person assessed has his principal place of business, to recover the amount of the assessment. In any civil action, the scope of the court's review of the actions, which review shall include a review of the amount of the assessment, shall be as provided in Chapter 150A of the General Statutes."

(hh) G.S. 110-104 is rewritten to read:

"§ 110-104. *Injunctive relief.*—The Secretary or his designee may seek injunctive relief in the district court of the county in which a day-care facility or day-care plan is located against the continuing operation of that day-care facility or day-care plan at any time, whether or not any administrative proceedings are pending. The district court may grant injunctive relief, temporary, preliminary, or permanent, when there is any violation of this Article or of the rules and regulations promulgated by the Commission that threatens serious harm to children in the day-care facility or day-care plan, or when a final order to deny or revoke a license or registration has been violated, or when a day-care facility is operating without a license or a day-care plan is operating without being registered, or when a day-care facility or day-care plan repeatedly violates the provisions of this Article or rules adopted pursuant to it after having been notified of the violation."

(ii) G.S. 110-105(a)(3) is amended by adding two new sentences at the end to read:

"When the Commission is notified by the county director of social services that the director has received a report of child abuse or neglect in a day-care facility, or when the Commission is notified by any other person that alleged abuse or neglect has occurred in a facility, the Commission's rules shall provide for at least two mandatory inspections conducted without notice to any day-care facility to determine whether the alleged abuse or neglect has occurred and whether the operator of the day-care facility caused, or had knowledge of, or through the exercise of reasonable care and diligence should have had knowledge of the child

abuse or neglect. It shall make the first inspection within seven calendar days of receipt of the report and the second within one month of the first."

(jj) Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-105.1. *Authority to inspect plans.*—(a) The Commission shall adopt standards, rules, and regulations under this section that provide for the following:

(1) An initial registration inspection, for which the person requesting registration as a plan provider has prior notice, to certify that all mandatory standards are met;

(2) A plan for routine announced inspections of all registered plans prior to registration renewal;

(3) A plan for routine unannounced inspections at regular intervals, which plan shall be confidential unless a court orders its disclosure; and

(4) An inspection that may be conducted without notice if there is probable cause to believe that an emergency situation exists or if there is a complaint alleging a violation of registration law. The Commission's rules shall provide for at least two mandatory inspections conducted without notice when it receives a report of child abuse or neglect in a day-care plan. It shall make the first inspection within seven calendar days of receipt of the report and the second within one week of the first.

The Secretary or his designee, upon presenting appropriate credentials to the operator of the day-care plan, may perform inspections in accordance with the standards, rules, and regulations promulgated under this subsection.

(b) If an operator refuses to allow the Secretary or his designee to inspect the day-care plan, the Secretary shall seek an administrative warrant in accordance with G.S. 15-27.2."

(kk) Nothing in this section shall be construed to obligate the General Assembly to make appropriations to implement the provisions of this section.

(ll) Subsections (z) through (kk) of this section shall become effective October 1, 1985.

LIMITATION ON PERMITS FOR LANDFILLS

Sec. 157. (a) The Department of Human Resources may not issue a permit for a sanitary landfill, as defined in G.S. 130A-290(16), to be located within a county with a population of four hundred thousand or more if the landfill is to be located within one mile of an incorporated city, town, or village with a population of two thousand five hundred or more in that county, without the approval of the governing board of the city, town or village.

(b) The Department of Human Resources may not issue a permit for a sanitary landfill, as defined in G.S. 130A-290(16), to or for a county with a population of four hundred thousand or more, or to or for any incorporated city, town or village in that county, if the landfill is to be located within any other county, without the approval of the board of county commissioners of the county where the landfill is to be located.

(c) This section is effective upon ratification.

MEDICAID TECHNICAL CORRECTION

Sec. 158. Section 86(d) of Chapter 479 of the 1985 Session Laws is amended by rewriting the last line in the chart to read:

"8 8,496 4,248 5,700".

ADOPTION SUBSIDY/INCREASE

Sec. 159. Of the funds appropriated to the Department of Human Resources, Division of Social Services, in Section 2 of Chapter 479 of the 1985 Session Laws, the sum of four hundred fifty thousand dollars ($450,000) for fiscal year 1985-86 and the sum of four hundred fifty thousand dollars ($450,000) for fiscal year 1986-87, shall be used to increase from one hundred dollars ($100.00) a month to one hundred fifty dollars ($150.00) a month the adoption subsidy paid monthly by the Division to eligible families who adopt hard to place children.

FOREST RESOURCES DIVISION FIRE FIGHTERS STANDBY DUTY

Sec. 160. (a) Subchapter II of Chapter 113 of the General Statutes is amended by adding after Article 4C a new Article to read:

"Article 4D.
"Fire Fighters on Standby Duty.

"§ 113-60.32. *Definitions.*—As used in this Article:

(1) 'Fire Fighter' means an employee of the Forest Resources Division of the Department of Natural Resources and Community Development who engages in fire suppression duties.

(2) 'Fire Suppression Duties' means involvement in on-site fire suppression, participation in Project Fire Team while it is mobilized, Operations Room duty during on-going fires or when required by high readiness plans, mop-up activities to secure fire sites, scouting and detecting forest fires, performance of standby duty, and any other activity that directly contributes to the detection, response to, and control of fires.

"§ 113-60.33. *Standby duty.*—(a) Standby duty is time during which a fire fighter is required to remain within 25 miles of his duty station and be available to return to the duty station on call. The Department shall provide each fire fighter on standby duty with an electronic paging device that makes the wearer accessible to his duty station.

(b) Notwithstanding subsection (a) of this section, for at least two out of 14 consecutive days that a fire fighter is on duty, the Department of Natural Resources and Community Development shall permit the fire fighter to be more than 25 miles from his duty station so long as the fire fighter gives the Department of Natural Resources and Community Development a telephone number where he can be reached; each month, the days the fire fighter is permitted to be more than 25 miles from his duty station shall include one full weekend. On the days the fire fighter is permitted to be more than 25 miles from his duty station, the Department of Natural Resources and Community Development may call him only when there is a bona fide emergency."

(b) This section is effective upon ratification.

LAND RECORDS MANAGEMENT PROGRAM/TRANSFER.

Sec. 161. (a) The first sentence of G.S. 161-22.2(d) is amended by deleting "Administration" and substituting "Natural Resources and Community Development".

(b) G.S. 161-22.2(e)(1) is amended by deleting "Administration" and substituting "Natural Resources and Community Development".

(c) This section shall become effective August 1, 1985.

ATTORNEY GENERAL'S INTERNS

Sec. 162. G.S. 143B-417(1)p. is repealed.

DISTILLERY REPRESENTATIVES TRANSPORTATION LIMITS

Sec. 163. (a) G.S. 18B-400 is amended by adding a new sentence at the end to read: "The Commission may also authorize a distillery representative, in the course of his business, to transport and possess up to 10 gallons of spiritous liquor."

(b) This section is effective upon ratification.

TRANSFER OF MOTOR CARRIER SAFETY REGULATION

Sec. 164. (a) The safety regulation of all motor carrier transportation services is transferred from the Division of Motor Vehicles, Department of Transportation to the Department of Crime Control and Public Safety. This transfer includes all of the elements of a type I transfer as defined in G.S. 143A-6. The regulation of rates and market entry for motor carrier transportation services shall remain vested in the Utilities Commission.

(b) G.S. 20-384 is rewritten to read:

"§ 20-384. *Safety regulations applicable to motor carrier and private carrier vehicles.*—The Secretary of the Department of Crime Control and Public Safety may, in addition to the other powers provided in G.S. 143B-476, adopt highway safety rules for all for-hire motor carrier vehicles and all private carrier vehicles engaged in interstate commerce and intrastate commerce over the highways of North Carolina whether common carriers, contract carriers, exempt carriers, or private carriers."

(c) G.S. 143B-476(a) is amended by adding a new sentence at the end to read: "The Secretary of the Department of Crime Control and Public Safety may adopt, pursuant to G.S. 62-281, highway safety rules for all for-hire motor carrier vehicles and all private carrier vehicles engaged in interstate commerce and intrastate commerce over the highways of North Carolina whether common carriers, contract carriers, exempt carriers, or private carriers."

(d) This section shall become effective July 1, 1986.

NEW HIGHWAY PATROL CARS

Sec. 165. All new highway patrol cars, whether marked or unmarked, placed in service after the effective date of this act, shall be assigned to and used by troopers whose primary duties are in the field.

USE OF FUNDS TO IMPROVE CORRECTIONAL FACILITIES AND SERVICES

Sec. 166. (a) Notwithstanding G.S. 114-2.1, the State may enter into a consent judgment in the case of *Hubert* v. *Ward*, C-C-80-414M, United States District Court for the Western District of North Carolina, Charlotte Division.

(b) The consent judgment authorized by subsection (a) of this section is subject to G.S. 114-2.2.

(c) In the event a consent agreement is reached, funds appropriated in Chapters 479 and 480 of the 1985 Session Laws to eliminate triple bunking and to improve correctional facilities in the south piedmont area may be used to implement that consent judgment, including, with consent of all parties to the litigation and with consent of the court, implementing additional community penalties programs or additional intensive probation programs.

In the event that no consent agreement is reached, funds appropriated in Chapters 479 and 480 of the 1985 Session Laws to eliminate triple bunking and to improve correctional facilities in the south piedmont area may be used to: (i) eliminate triple bunking through construction of new dormitories; (ii) improve correctional facilities by constructing recreation, vocational, and multipurpose buildings and renovating existing dormitories; and, (iii) improve staffing, services, and provisions in the South Piedmont Area and at the Montgomery County Unit, including implementing additional community penalties programs or additional intensive probation programs.

(d) The Office of State Budget and Management and the Department of Correction shall provide quarterly reports on expenditures to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

(e) The Office of State Budget and Management and the Department of Correction shall submit a report on expenditures and progress in achieving necessary improvements in the South Piedmont Area and at the Montgomery County Unit to the Governor, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division, by May 1, 1986.

STATE FIRE COMMISSION TRANSFER

Sec. 167. (a) Article 9 of Chapter 143A of the General Statutes is amended by adding a new section to read:

"§ 143A-79.1. *State Fire Commission; transfer.*—The State Fire Commission, described in Part 4 of Article 11 of Chapter 143B of the General Statutes, is transferred from the Department of Crime Control and Public Safety to the Department of Insurance. This transfer shall include all elements of a Type I transfer as defined in G.S. 143A-6."

(b) Part 4 of Article 11 of Chapter 143B of the General Statutes, consisting of G.S. 143B-481 through G.S. 143B-485, is recodified as Article 2B of Chapter 58 of the General Statutes, to be numbered G.S. 58-27.20 through G.S. 58-27.24, and the Tables of Contents of Chapters 143B and of Chapter 58 are amended accordingly.

(c) Article 2B of Chapter 58, as recodified by this section, is amended by deleting the phrase "Crime Control and Public Safety" each time it appears and substituting the word "Insurance"; provided, however, that the term "Secretary of Crime Control and Public Safety" shall remain in subsection (e) of G.S. 58-27.20.

(d) G.S. 143B-481, as recodified as G.S. 58-27.20 by this section, is rewritten to read:

"§ 58-27.20. *State Fire Commission created; membership.*—(a) There is created the State Fire Commission of the Department of Insurance, which shall be composed of 12 voting members to be appointed as follows:

(1) The Commissioner of Insurance shall appoint nine members, two from nominations submitted by the North Carolina State Firemen's Association, one from nominations submitted by the North Carolina Association of Fire Chiefs, one from nominations submitted by the North Carolina Society of Fire Service Instructors, one from nominations submitted by the North Carolina Association of County Fire Marshals, one from nominations submitted by the North Carolina Fire Marshal's Association, one mayor or other elected city official nominated by the President of the League of Municipalities, one county commissioner nominated by the President of the Association of County Commissioners, and one from the public at large;

(2) The Governor shall appoint one member from the public at large; and

(3) The General Assembly shall appoint two members from the public at large, one upon the recommendation of the Speaker of the House of Representatives pursuant to G.S. 120-121, and one upon the recommendation of the President of the Senate pursuant to G.S. 120-121.

Public members may not be employed in State government and may not be directly involved in fire fighting.

(b) Of the members initially appointed by the Commissioner of Insurance, the nominees of the North Carolina State Firemen's Association and the nominee of the North Carolina Association of Fire Chiefs shall serve three-year terms; the nominees from the North Carolina Society of Fire Service Instructors, the North Carolina Association of County Fire Marshals, and the North Carolina Fire Marshal's Association shall serve two-year terms; and the mayor or other elected city official, the county commissioner, and the member from the public at large shall serve one-year terms. The Governor's initial appointee shall serve a three-year term. The General Assembly's initial appointees shall serve two-year terms. Thereafter all terms shall be for three years.

(c) Vacancies shall be filled by the original appointer in the same manner as the original appointment was made, except that vacancies in the appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.

(d) Appointed members shall serve until their successors are appointed and qualified.

(e) The following State officials, or their designees, shall serve by virtue of their offices as nonvoting members of the Commission: the Commissioner of Insurance, the Commissioner of Labor, the State Auditor, the Attorney General, the Secretary of Crime Control and Public Safety, the Secretary of Natural Resources and Community Development, and the President of the Department of Community Colleges.

(f) Members of the State Fire Commission shall receive per diem and necessary travel and subsistence allowances in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as appropriate."

(e) G.S. 143B-483(a), as recodified as G.S. 58-27.22(a) by this section, is rewritten to read:

"(a) Organization. The State Fire Commission shall elect from its voting members a chairman and vice-chairman to serve as provided by the rules adopted by the Commission."

(f) G.S. 143B-483(c), as recodified as G.S. 58-27.22(c) by this section, is amended in the second sentence by deleting the words "six members" and substituting the words "five members".

(g) On September 30, 1985, all voting members of the State Fire Commission shall cease to be members of the Commission. New voting members shall be appointed in accordance with G.S. 58-27.20, to begin serving on the Commission on October 1, 1985. Nominations for the nine members to be appointed by the Commissioner of Insurance shall be submitted within 30 days after the ratification of this section, and the Commissioner shall appoint the members within 60 days after the ratification of this section. The appointments to be made by the General Assembly shall be made during the 1985 Regular Session. The appointment to be made by the Governor shall be made within 60 days after the ratification of this section.

(h) G.S. 120-123(9) is amended by deleting the phrase "G.S. 143B-481" and substituting "G.S. 58-27.20".

(i) G.S. 143B-484, as recodified as G.S. 58-27.23 by this section, is rewritten to read:

"§ 58-27.23. *State Fire Commission; staff.*—(a) There shall be an executive director nominated by the State Fire Commission with direct responsibilities to the Commission, who shall be appointed by the Commissioner of Insurance.

Personnel of the Department of Insurance shall serve as staff to the State Fire Commission. The Department of Insurance shall provide the clerical and professional services required by the State Fire Commission and, at the direction of the State Fire Commission, shall develop and administer the State Master Plan for Fire Prevention and Control, the State Fire Education and Training Plan, and any additional related programs as may be established by, or assigned to, the State Fire Commission."

(j) There is appropriated from the General Fund to the State Fire Commission, Department of Insurance, the sum of one hundred fifty thousand dollars ($150,000) for the 1985-86 fiscal year to implement the fire reporting system and the voluntary fire service certification program.

(k) This section is effective upon ratification.

CAPITAL BUILDING AUTHORITY AMENDMENTS

Sec. 168. (a) The first sentence of G.S. 129-42(1) is amended by deleting the language "and employ".

(b) G.S. 129-42(2) is repealed.

(c) G.S. 129-42(5) is amended by deleting the language "awarding contracts for planning, design, or construction" and substituting "selecting architects, engineers, and other consultants to provide professional services for capital improvement projects".

SALE OF OLD HEALTH FARM

Sec. 169. (a) The Department of Administration may sell all or any part of that certain State-owned property known as the "Old Health Farm" property located in Wake County, North Carolina, and more particularly shown and described on a map entitled "STATE OF NORTH CAROLINA OLD HEALTH FARM PROPERTY" dated July 8, 1983, prepared by John A. Edwards & Company, Consulting Engineers, Raleigh, North Carolina, based on actual survey.

(b) The Department may accomplish these sales by public auction, by receipt of sealed bids after public advertisement, or by private sale, whichever it finds to be in the best interest of the State.

(c) All sales shall be subject to the provisions of Chapter 146 of the General Statutes, as amended by Chapter 479 of the 1985 Session Laws, specifically including its requirements of consultation with the Joint Legislative Commission on Governmental Operations and approval of the Governor and Council of State.

(d) The net proceeds from all sales shall be used to compensate the Department of Transportation for the release of control of access on Western Boulevard Extension adjacent to the southern boundary of the Old Health Farm Property. Any funds not required for this purpose shall be deposited in the General Fund.

BUILDING CODE REQUIREMENT

Sec. 170. (a) G.S. 143-135.1 is amended by adding a new paragraph at the end to read:

"Notwithstanding any law to the contrary, including any local act, no county or municipality may impose requirements that exceed the North Carolina State Building Code regarding the design or construction of buildings constructed by the State of North Carolina."

(b) This section is effective upon ratification.

REPAIRS AND RENOVATIONS RESERVE

Sec. 171. Of the funds appropriated to the Repairs and Renovations Reserve in Section 4, Chapter 480 of the 1985 Session Laws, the sum of two million three hundred thirty-five thousand dollars ($2,335,000) for the 1985-86 fiscal year shall be allocated as follows:

	1985-86
Renovate Olivia Rainey Library Bldg.	$1,800,000
Renovation and roof repairs-	
Sports Arena at Butner	80,000
Renovate Chinqua-Penn Plantation	500,000

The Board of Governors of The University of North Carolina shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on plans to renovate Chinqua-Penn Plantation before spending the funds allocated in this section for this purpose.

RENOVATION OF EDUCATION BUILDING

Sec. 172. Renovation of the Education Building may include conversion of the present inner courtyard of that building into two stories of office and meeting space with movable walls. This activity is designated as "renovation" rather than "new construction" activity.

Plans for this renovation shall be submitted to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division before this renovation activity is begun or any contracts on it are let.

LEASE OF PROPERTY FOR RONALD MCDONALD HOUSE

Sec. 173. G.S. 146-29.1, as enacted by Section 172 of Chapter 479 of the 1985 Session Laws, does not apply to the lease of property for the Ronald McDonald House that was approved by the Board of Governors of The University of North Carolina on June 28, 1985.

CHARGE TO STATE AGENCIES FOR STATE CARS

Sec. 174. (a) The amount allocated and charged by the Department of Administration to State agencies to which transportation is furnished shall be at least twenty cents (20¢) per mile for each motor vehicle.

(b) This section shall become effective August 1, 1985.

ASSIGNMENT OF STATE CARS

Sec. 175. (a) G.S. 143-341(8)i.5., as rewritten by Section 168 of Chapter 479 of the 1985 Session Laws, is amended by adding a new paragraph at the end to read:

"As used in this subpart, 'suitable transportation' means the standard vehicle in the State motor fleet, unless special towing provisions are required by the employee or agency. The Department may not assign any employee or agency a motor vehicle that is not suitable."

(b) G.S. 143-341(8)i.5., as rewritten by Section 168 of Chapter 479 of the 1985 Session Laws, is further amended in the last sentence of the first paragraph by deleting the word "section" and substituting "subpart".

(c) Subsection (a) of this section is effective upon ratification.

COMMUTING BY STATE EMPLOYEES

Sec. 176. (a) Sections 170 and 171 of Chapter 479 of the 1985 Session Laws shall become effective October 1, 1985.

(b) This section is effective on and after June 30, 1985.

Sec. 177. Effective October 1, 1985, the last sentence of the third paragraph of G.S. 143-341(8)i.7a., as amended by Section 170 of Chapter 479 of the 1985 Session Laws, is further amended to read as follows:

"Commuting, for purposes of this paragraph, does not include those individuals whose office is in their home, as determined by the Department of Administration, Division of Motor Fleet Management. Also, this paragraph does not apply to the following vehicles: (i) clearly marked police and fire vehicles, (ii) delivery trucks with seating only for the driver, (iii) flatbed trucks, (iv) cargo carriers with over a 14,000 pound capacity, (v) school and passenger buses with over 20 person capacities, (vi) ambulances, (vii) hearses, (viii) bucket trucks, (ix) cranes and derricks, (x) forklifts, (xi) cement mixers, (xii) dump trucks, (xiii) garbage trucks, (xiv) specialized utility repair trucks (except vans and pickup trucks), (xv) tractors, (xvi) unmarked law enforcement vehicles that are used in undercover work and are operated by full-time, fully sworn law enforcement officers whose primary duties include carrying a firearm, executing search warrants, and making arrests, and (xvii) any other vehicle exempted under Section 274(d) of the Internal Revenue Code of 1954, and Federal Internal Revenue Services regulations based thereon."

MICROELECTRONICS COMMUNICATIONS EXTENSION

Sec. 178. Of the funds appropriated in a reserve as a grant-in-aid to the Microelectronics Center of North Carolina in Section 2 of Chapter 479 of the 1985 Session Laws, the sum of five million six hundred seventy-five thousand dollars ($5,675,000)in fiscal year 1985-86 and two hundred thousand dollars ($200,000) in fiscal year 1986-87 shall be used to finance and operate the extension of the Microelectronics Communications System to The University of North Carolina at Asheville and Winston-Salem State University, including a link with Bowman Gray School of Medicine.

NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY/TRANSFER

Sec. 179. (a) The first sentence of G.S. 143B-440 is amended by deleting "Department of Commerce" and substituting "Department of Administration".

(b) The third paragraph of G.S. 143B-441 is amended by deleting "Secretary of Commerce" and substituting "Secretary of Administration".

(c) Part 5 of Article 10 of Chapter 143B, which consists of G.S. 143B-440 and G.S. 143B-441, as amended by subsections (a) and (b) of this section, is recodified as Part 27 of Article 9 of Chapter 143B, to consist of G.S. 143B-426.30 and G.S. 143B-426.31, respectively and the Table of Contents of Chapter 143B is amended accordingly.

(d) G.S. 143B-433(13) is repealed.

(e) G.S. 120-123(18) is amended by deleting the phrase "by G.S. 143B-441" and by substituting the phrase "by G.S. 143B-426.30".

(f) This section is effective upon ratification.

ANDREW JACKSON HISTORIC MEMORIAL COMMITTEE

Sec. 180. Article 2 of Chapter 143B is amended by adding a new Part to read:

"Part 28.
"Andrew Jackson Historic Memorial Committee.

"§ 143B-132. *Andrew Jackson Historic Memorial Committee.*—(a) The State of North Carolina and its citizens have long noted and recognized the origins and early life of Andrew Jackson, the nation's seventh president, in the Waxhaw region along the North Carolina-South Carolina border. It is important that this State recognize the origins and early life of this outstanding national leader in Western North Carolina. It is necessary to plan an appropriate memorial in Union County, North Carolina, to commemorate and display for all Americans the origins and early life of Andrew Jackson.

(b) There is created an Andrew Jackson Historic Memorial Committee to consist of 12 members, six appointed by the Speaker of the House of Representatives and six appointed by the President of the Senate. Members shall serve four-year terms. Vacancies shall be filled by the appointing officer for the unexpired term.

(c) The primary duties and responsibilities of the Committee are:

(1) To assist the Division of Archives and History, Department of Cultural Resources in determining the need for a permanent

memorial to honor Andrew Jackson and to commemorate and display the origins and early life of Jackson in the Waxhaw region;

(2) To assist the Division of Archives and History, Department of Cultural Resources in determining the location, design, content, and form of a memorial, if the Committee determines that one is needed, at one of the sites associated with the early life of Andrew Jackson;

(3) To assist the Division of Archives and History, Department of Cultural Resources in determining the most appropriate methods for proceeding with the establishment and operation of the memorial, including methods for obtaining the necessary financial resources for property acquisition, capital expenditures, and operational expenses; and

(4) To select appropriate qualified researchers and research institutions to assist the Committee in undertaking any required studies to complete the Committee's duties and responsibilities.

(d) Members of this Committee may not receive per diem, travel reimbursement, or subsistence allowances.

(e) Administrative and staff services for the Committee shall be provided by the Division of Archives and History, Department of Cultural Resources, which shall also provide the Committee with information in its possession relating to past research concerning the origins and early life of Andrew Jackson. In addition, the Division of Archives and History, Department of Cultural Resources shall assist the Committee in preparing a report for submission to the General Assembly.

(f) Funds for the operation of the Committee shall be provided by the Department of Cultural Resources."

DEADLINE FOR CERTAIN APPOINTMENTS

Sec. 181. (a) G.S. 147-12 is amended by adding two new subdivisions to read:

"(3c) Notwithstanding any other provision of law, whenever a statute calls for the Governor to appoint a person to an office subject to confirmation by the General Assembly, the Governor shall notify the President of the Senate and the Speaker of the House of Representatives by May 15 of the year in which the appointment is to be made of the name of the person he is submitting to the General Assembly for confirmation.

(3d) Notwithstanding any other provision of law, whenever a statute calls for the Governor to appoint a person to an office subject to confirmation by the Senate, the Governor shall notify the President of the Senate by May 15 of the year in which the appointment is to be made of the name of the person he is submitting to the General Assembly for confirmation."

(b) This section shall become effective January 1, 1986.

STUDENT LEGISLATURE FUNDS

Sec. 182. The Legislative Services Commission shall provide to the North Carolina Student Legislature the sum of ten thousand dollars ($10,000) for the 1985-86 fiscal year from the funds available to the General Assembly. These funds may be used by the North Carolina

Student Legislature for printing, postage, telephone, and travel expenses and for the costs of the Student Legislature's annual session.

BUDGET TRANSFERS/GENERAL ASSEMBLY

Sec. 183. G.S. 143-23 is amended by adding three new subsections to read:

"(c) Transfers or changes as between objects and items in the budget of the Senate may be made by the President Pro Tempore of the Senate;

(d) Transfers or changes as between objects and items in the budget of the House of Representatives may be made by the Speaker of the House of Representatives;

(e) Transfers or changes as between objects and items in the budget of the General Assembly other than of the Senate and House of Representatives may be made jointly by the President Pro Tempore of the Senate and the Speaker of the House of Representatives."

HIGHWAY FUND APPROPRIATIONS

Sec. 184. Section 3 of Chapter 479 of the 1985 Session Laws is rewritten to read:

"Sec. 3. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the biennium ending June 30, 1987, according to the following schedule:

Current Operations-Highway Fund	*1985-86*	*1986-87*
Department of Transportation		
01. Administration	$ 20,560,283	$ 20,705,171
02. Highways		
a. Administration and Operations	26,615,337	26,351,583
b. State Construction		
(01) Primary Construction	1,500,000	1,500,000
(02) Secondary Construction	46,962,500	48,662,500
(03) Urban Construction	18,500,000	1,500,000
(04) Access and Public Service Roads	2,000,000	2,000,000
c. State Funds to Match Federal Highway Aid		
(01) Construction	68,130,000	27,860,000
(02) Planning Survey and Highway Planning Research	760,920	781,324
d. State Maintenance		
(01) Primary	65,627,121	67,359,677

Current Operations-Highway Fund	*1985-86*	*1986-87*
(02) Secondary	119,450,241	122,603,727
(03) Urban	16,552,162	16,989,139
(04) Contract Resurfacing	81,191,673	84,049,620
e. Ferry Operations	11,416,657	11,416,657
f. State Aid to Municipalities	46,562,500	48,262,500
g. State Aid Public Transportation	500,000	500,000
03. Division of Motor Vehicles	49,513,859	48,613,982
04. Governor's Highway Safety Program	276,104	276,698
05. Salary Adjustments for Highway Fund Employees	200,000	200,000
06. Debt Service	38,445,500	37,971,000
08. Reserve to Correct Occupational Safety and Health	350,000	350,000
09. Reserve for Salary Increase	20,000,000	27,500,000
10. Reserve for Hospital Medical-Benefits	3,100,000	3,100,000
Appropriations for Other State Agencies		
01. Crime Control and Public Safety	57,255,249	60,432,857
02. Other Agencies		
a. Department of Agriculture	1,943,995	1,975,636
b. Department of Revenue	1,188,962	1,204,279
c. Department of Human Resources	277,860	277,957
d. Department of Correction	1,750,000	1,750,000
e. Department of Public Education	23,160,350	22,508,283
Contingencies and Emergency Fund	100,000	100,000
GRAND TOTAL CURRENT OPERATION-HIGHWAY FUND	$724,191,273	$686,802,590"

HIGHWAY FUND/ADJUSTMENTS TO REFLECT ACTUAL REVENUE

Sec. 185. Any unreserved credit balance in the Highway Fund on June 30 of each of the fiscal years shall support appropriations in the succeeding fiscal year. If all of the balance is not needed for these appropriations, the Director of the Budget may use the remaining excess to establish a reserve for access and public service roads, a reserve for unforeseen happenings or state of affairs requiring prompt action as provided for by G.S. 136-44.2, and other required reserves. If all of the remaining excess is not used to establish these reserves, the remainder shall be allocated to the State-funded maintenance or construction appropriations in the manner approved by the Board of Transportation.

UNSPENT DRIVING AND TRAINING FACILITY FUNDS

Sec. 186. Section 5.2(a) of Chapter 480 of the 1985 Session Laws is amended by rewriting the last sentence to read:

"The remainder of these unexpended funds shall revert to the Highway Fund."

URBAN CONSTRUCTION FUNDS

Sec. 187. Of the funds appropriated to the Department of Transportation for fiscal year 1985-86, seventeen million dollars ($17,000,000) shall be allocated for Small Urban Construction projects. Fourteen million dollars ($14,000,000) shall be allocated equally among the 14 Highway Divisions for the Small Urban Construction Program for small urban construction projects that are located within the area covered by a one-mile radius of the municipal corporate limits. The remaining three million dollars ($3,000,000) shall be used statewide for rural or small urban highway improvements as approved by the Secretary of the Department of Transportation.

None of these funds used for rural secondary road construction are subject to the county formula allocation as provided by G.S. 136-44.5.

EMPLOYER CONTRIBUTION RATES/RETIREMENT AND HEALTH CARE

Sec. 188. Sections 224 and 225 of Chapter 479 of the 1985 Session Laws are amended by deleting "1985-86" and substituting "1985-87".

SALARY MODIFICATIONS AND CLARIFICATIONS

Sec. 189. Section 205 of Chapter 479 of the 1985 Session Laws is rewritten to read:

"Sec. 205. G.S. 120-37(c) is amended by deleting the phrase 'thirty-two thousand five hundred twenty dollars ($32,520)' and substituting the phrase 'thirty-five thousand six hundred fifty-two dollars ($35,652)'."

Sec. 190. Section 212 of Chapter 479 of the 1985 Session Laws is amended by designating the existing language as subsection (a) and adding a sentence to read:

"(b) Nothing contained in this Part limits any other provisions of G.S. 7A-102(c)."

Sec. 191. G.S. 136-4 is amended by deleting "salary fixed by the General Assembly in the Current Operations Appropriations Act", and substituting "salary to be set in accordance with Chapter 126 of the General Statutes, the State Personnel Act".

Sec. 192. Section 216 of Chapter 479, Session Laws of 1985 is amended by deleting:

"State Highway Administrator 58,140".

Sec. 193. Section 217 of Chapter 479, Session Laws of 1983 is amended by rewriting the entry in the chart for the Director of the State Ports Authority to read:

"Director, State Ports Authority 65,000".

Sec. 194. The salary of the executive director of the North Carolina Hazardous Waste Treatment Commission may not be more than fifty-eight thousand three hundred ninety-two dollars ($58,392) a year.

Sec. 195. Section 201 and Section 226(c) of Chapter 479 of the 1985 Session Laws are amended by adding a sentence at the end of each to read: "As used in this section, approved leaves of absence as allowed by an employer's established personnel policies do not constitute a break in the continuous employment of an employee required under this section."

Sec. 196. The last sentence of Section 226(a)(1) of Chapter 479 of the 1985 Session Laws is amended by inserting between the words "steps" and "are" the phrase "for employees with one year of continuous employment".

Sec. 197. Section 201 and Section 226(a)(1) of Chapter 479 of the 1985 Session Laws are amended by adding a sentence at the end of each to read: "As to employees covered by Section 197 of this act, other than those covered by the fifth paragraph of that section, a break in service for a period not to exceed nine consecutive months, commencing on or after January 1, 1985, shall not constitute a break in the continuous employment of an employee required under this section."

Sec. 198. For fiscal year 1985-86, the minimum salary for permanent full-time State employees subject to the State Personnel Act paid from the State's General Fund or Highway Fund and those paid from agency receipts to the extent that receipts are available shall be seven hundred fifty-eight dollars ($758.00) per month. In no event may such an employee receive an increase in salary pursuant to this section and Chapter 479 of the 1985 Session Laws for 1985-86 over the salary the same employee received in 1984-85 that exceeds fifteen percent (15%) except in those situtations where such an increase is required to bring the employee to the minimum pay of seven hundred fifty-eight dollars ($758.00) per month as prescribed by this section. State departments, institutions, boards, commissions, and other State agencies shall first use available salary and salary-related funds appropriated or otherwise available to them pursuant to Sections 2 and 3 of Chapter 479 of the 1985 Session Laws to implement the provisions of this section. The Director of the Budget may, after ensuring that such salary and salary-related funds are not available within a specific State agency, transfer appropriations from the Reserve for Salary Increases in Sections 2 and 3 of Chapter 479 of the 1985 Session Laws to the extent required to implement the provisions of this section.

CONFEDERATE WIDOWS' PENSION

Sec. 199. (a) Section 2 of Chapter 184, Session Laws of 1985 is amended by deleting ", but remains effective after June 30, 1985, only if funds are appropriated for such purpose as contained in this act".

(b) This section is effective on and after June 30, 1985.

CERTAIN ASSOCIATIONS' EMPLOYEES' RETIREMENT OPTION

Sec. 200. G.S. 135-27 is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding the foregoing, employees of the State Employees Association of North Carolina, the employees of the North Carolina Association of Educators, and the employees of the North Carolina School Boards Association who are in service and members of the Retirement System on June 30, 1985, shall, on or before October 1, 1985, make an irrevocable election to exercise one of the three options provided in G.S. 135-27(e)."

SUBSISTENCE

Sec. 201. (a) G.S. 138-6(a)(3) is amended by deleting "forty-two dollars ($42.00)" and substituting "forty-seven dollars ($47.00)", and by deleting "fifty-four dollars ($54.00)" and substituting "fifty-nine dollars ($59.00)".

(b) G.S. 138-5(a)(2)b. is amended by deleting "Forty-two dollars ($42.00)" and substituting "Forty-seven dollars ($47.00)".

(c) This section shall become effective August 1, 1985.

UNC CHAIR ENDOWMENT

Sec. 202. Chapter 116 of the General Statutes is amended by adding six new sections to read:

"§ 116-36.5. *Distinguished Professors Endowment Trust Fund; purpose.*—The General Assembly of North Carolina recognizes that the public university system would be greatly strengthened by the addition of distinguished scholars. It further recognizes that private as well as State support is preferred in helping to obtain distinguished scholars for the State universities and that private support will help strengthen the commitment of citizens and organizations in promoting excellence throughout all State universities. It is the intent of the General Assembly to establish a trust fund to provide the opportunity to each State university to receive and match challenge grants to create endowments for selected distinguished professors to occupy chairs within the university. The associated foundations that serve the universities shall solicit and receive gifts from private sources to provide for matching funds to the trust fund challenge grants for the establishment of endowments for chairs within universities.

"§ 116-36.6. *Distinguished Professors Endowment Trust Fund; establishment; maintenance.*—There is established a Distinguished Professors Endowment Trust Fund to be maintained by the Board to provide challenge grants to the constitutent institutions. All appropriated funds deposited into the trust fund shall be invested pursuant to G.S. 116-36. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for challenge grants.

"§ 116-36.7. *Distinguished Professors Endowment Trust Fund; allocation; administration.*—The amount appropriated to the trust shall be allocated by the Board as follows:

(1) On the basis of one three hundred thirty-four thousand dollar ($334,000) challenge grant for each six hundred sixty-six thousand dollars ($666,000) raised from private sources; or

(2) On the basis of one one hundred sixty-seven thousand dollar ($167,000) challenge grant for each three hundred thirty-three thousand dollars ($333,000) raised from private sources.

If an institution chooses to pursue the use of the allocated challenge grant funds described in either subdivision (1) or subdivision (2) of this section, the funds shall be matched on a two-to-one basis. Matching funds shall come from contributions made after July 1, 1985, and pledged for the purposes specified by G.S. 116-36.6. Each participating constituent institution's board of trustees shall establish its own Distinguished Professors Endowment Trust Fund, and shall maintain it pursuant to the provision of G.S. 116-36 to function as a depository for private contributions and for the State matching funds for the challenge grants. The State matching funds shall be transferred to the constituent institution's Endowment Fund upon notification that the institution has received and deposited the appropriate amount required by this section in its own Distinguished Professors Endowment Trust Fund. Only the net income from that account shall be expended in support of the distinguished professorship thereby created.

"§ 116-36.8. *Contribution commitments.*—Contributions may also be eligible for matching if there is:

(1) A commitment to make a donation of at least six hundred sixty-six thousand dollars ($666,000), as prescribed by G.S. 143-31.4, and an initial payment of one hundred eleven thousand dollars ($111,000) to receive a grant described in G.S. 116-36.7(1); or

(2) A commitment to make a donation of at least three hundred thirty-three thousand dollars ($333,000), as prescribed by G.S. 143-31.4, and an initial payment of fifty-five thousand five hundred dollars ($55,500) to receive a grant described in G.S. 116-36.7(2);

and if the initial payment is accompanied by a written pledge to provide the balance within five years after the date of the initial payment. Each payment on the balance shall be no less than the amount of the initial payment and shall be made on or before the anniversary date of the initial payment. Pledged contributions may not be matched prior to the actual collection of the total funds. Once the income from the institution's Distinguished Professors Endowment Trust Fund can be effectively used pursuant to G.S. 116-36.9, the institution shall proceed to implement plans for establishing an endowed chair.

"§ 116-36.9. *Distinguished Professors Endowment Trust Fund; establishment of chairs.*—When the sum of the challenge grant and matching funds in the Scholars' Endowment Trust Fund reaches:

(1) One million dollars ($1,000,000), if the sum of funds described in G.S. 116-36.7(1); or

(2) Five hundred thousand dollars ($500,000), if the sum of funds described in G.S. 116-36.7(2);

the board of trustees may recommend to the Board, for its approval, the establishment of an endowed chair or chairs. The Board, in considering whether to approve the recommendation, shall include in its consideration the programs already existing in The University of North Carolina. If the Board approves the recommendation, the chair or chairs shall be established. The chair or chairs, the property of the constituent institution,

may be named in honor of a donor, benefactor, or honoree of the institution, at the option of the board of trustees.

"§ 116-36.10. *Selection of Distinguished Professors.*—Each constituent institution that receives, through private gifts and an allocation by the Board of Governors, funds for the purpose shall, under procedures established by rules of the Board of Governors and the board of trustees of the constituent institution, select a holder of the Distinguished Professorship. Once given, that designation shall be retained by the distinguished professor as long as he remains in the full-time service of the institution. When a distinguished professorship becomes vacant, it shall remain assigned to the institution and another distinguished professor shall be selected under procedures established by rules of the Board of Governors and the board of trustees of the constituent institution.

(b) The Board of Governors of The University of North Carolina shall promulgate rules to implement this section.

(c) There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of two million dollars ($2,000,000) for fiscal year 1985-86, and the sum of two million dollars ($2,000,000) for fiscal year 1986-87, to implement this section."

ROANOKE RIVER LAND PURCHASE

Sec. 204. To the extent that funds are available in fiscal year 1985-86 to the Wildlife Resources Commission from the Wildlife Fund, the sum of three million four hundred thousand dollars ($3,400,000) may be used to purchase land that borders the Roanoke River.

1990 CENSUS PREPARATION

Sec. 205. (a) Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 12A.
"Precinct Boundaries.

"§ 163-132.1. *Voluntary participation in Block Boundary Suggestion Program.*—Not later than December 1, 1985, the Legislative Services Office shall poll the county boards of elections to determine which of their precincts have boundaries that are not coterminous with a major physical feature, as identified under the criteria to be established pursuant to 13 U.S.C. § 141 (c), a current township boundary, or a current municipal boundary. The Legislative Services Office shall:

(1) assist county boards of elections in identifying the precincts with those nonconforming boundaries;

(2) place those boundaries on maps deemed appropriate by the State Board;

(3) request the U.S. Census Bureau to hold for census block identification in the 1990 U.S. Census all major physical features on the map near the nonconforming precinct boundary; and

(4) request the U.S. Census Bureau to hold for census block identification in the 1990 U.S. Census all other major physical features already on U.S. Census Bureau maps.

"§ 163-132.2. *Establishment of precinct boundaries for 1990 Census.*—(a) The Legislative Services Office as soon as it receives the U.S. Census Bureau's official census block maps to be used in the 1990 U.S. Census shall send the relevant copies of those maps to county boards of elections. After receiving copies of those maps, the county boards of election shall:

(1) Alter, where necessary, precinct boundaries to be coterminous with township boundaries, municipal boundaries, census block boundaries, or a combination of those boundaries provided that if, as a result of the alteration, the polling place is no longer in the precinct, it may continue to be the polling place as long as the lot or tract on which the polling place is situated adjoins the precinct;

(2) Mark all precinct boundaries on the maps sent by the Legislative Services Office; and

(3) File, within 60 days of the date the maps are sent by the Legislative Services Office or at an earlier time deemed necessary by the State Board of Elections, with the State Board and the Legislative Services Office the maps identifying the precinct boundaries and a written description of those boundaries deemed sufficient by the State Board to identify the precincts.

(b) The State Board of Elections and the Legislative Services Office shall examine the returned maps and their written descriptions. After its examination of the maps and their written descriptions, the Legislative Services Office shall submit to the State Board of Elections its opinion as to whether all precinct boundaries are coterminous with current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, with notations as to where those boundaries do not comply with these standards. If the State Board determines that all precinct boundaries are coterminous with current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, the State Board shall approve the maps and written descriptions as filed and these precincts shall be the official precincts.

(c) If the State Board does not find that the filed precinct boundaries are coterminous with the current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, the State Board shall not approve those precinct boundaries but shall alter the precinct boundaries to be coterminous with the census block boundaries, municipal boundaries or township boundaries nearest to those existing precinct boundaries and these altered precincts with their written descriptions prepared by the State Board shall then be the official precincts.

(d) The changes in precinct boundaries under subsections (b) and (c) of this section shall be made effective not later than January 1, 1992.

(e) After the State Board approves or alters the precincts filed by the county boards and before January 2, 1990, no county board of elections may establish, alter, discontinue, or create any precinct except for changes resulting from amending township or municipal boundaries or by division of one precinct into two or more precincts. These changes shall be reported by the county board of elections to the State Board by filing the relevant

amended Census maps and written descriptions of the precincts with the State Board and shall not be effective until approved by the State Board. The State Board shall certify these precinct changes to the U.S. Census Bureau.

(f) The State Board of Elections shall request that the U.S. Census Bureau provide summaries of census data by precinct.

"§ 163-132.3. *Alterations to precinct boundaries after January 1, 1990.*—For any alteration made to precinct boundaries after January 1, 1990, the county boards of elections shall establish the new boundaries to be coterminous with those of townships, municipalities, the census blocks established under the latest U.S. Census, or a combination of these boundaries. The county boards of elections shall report precinct boundary changes by filing with the State Board on current official census maps the new boundaries of these precincts and their written descriptions deemed sufficient by the State Board to identify these precincts. No newly created or altered precinct boundary occurring after January 1, 1990, is effective until approved by the State Board as being coterminous with the boundaries of townships, municipalities, census blocks established by the then latest U. S. Census, or a combination of those boundaries.

"§ 163-132.4. *Rules.*—The State Board of Elections may promulgate rules concerning its duties and those of the county boards of elections under this Article other than under G.S. 163-132.1. The Legislative Services Commission may promulgate rules concerning G.S. 163-132.1.

"§ 163-132.5. *Cooperation of State and local agencies.*—The State Budget Office, the Department of Transportation and county and municipal planning departments shall cooperate and assist the Legislative Services Office, the State Board of Elections and the county boards of elections in the implementation of this Article.

"§ 163-132.6. *Applicability of Article.*—This Article applies only to counties with a population of 55,000 or over, according to the 1980 decennial federal census."

(b) The first sentence of the second paragraph of G.S. 163-128(a) is amended by deleting "The", and substituting "Except as provided by Article 12A of this Chapter, the".

(c) G.S. 160A-36(d) is amended by deleting "and if a street is used as a boundary, include within the municipality developed land on both sides of the street", and substituting "and may use streets as boundaries".

(d) G.S. 160A-48(e) is amended by deleting "and if a street is used as a boundary, include within the municipality land on both sides of the street and such outside boundary may not extend more than 200 feet beyond the right-of-way of the street", and substituting "and may use streets as boundaries".

(e) In fiscal years 1985-86 and 1986-87, the General Assembly shall use funds already appropriated to it to implement Article 12A of Chapter 163 of the General Statutes. The General Assembly may reimburse State agencies from those funds for their assistance in implementing Article 12A of Chapter 163 of the General Statutes.

(f) This section is effective upon ratification.

SCHOOL OF SCIENCE AND MATHEMATICS TRANSFERRED

Sec. 206. (a) Article 15 of Chapter 115C of the General Statutes is repealed.

(b) Chapter 116 of the General Statutes is amended by the addition of a new Article to read:

"Article 28.

"The North Carolina School of Science and Mathematics.

"§ 116-230. *Policy.*—It is hereby declared to be the policy of the State to foster, encourage, promote, and provide assistance in the development of skills in science and mathematics among the people of the State.

"§ 116-231. *Reestablishment of the North Carolina School of Science and Mathematics as an Affiliated School of The University of North Carolina.*—The North Carolina School of Science and Mathematics is hereby reestablished, as an affiliated school of The University of North Carolina, and shall be governed by a Board of Trustees as prescribed in this Article.

"§ 116-232. *Purposes.*—The purposes of the School shall be to foster the educational development of North Carolina high school students who are academically talented in the areas of science and mathematics and show promise of exceptional development through participation in a residential educational setting emphasizing instruction in the areas of science and mathematics; to develop, evaluate, and disseminate experimental instructional programs; and to serve all schools of the State through research and outreach activities.

"§ 116-233. *Board of Trustees; appointment; terms of office.*—(a) There shall be a Board of Trustees of the School, which shall consist of 25 members:

(1) Eleven members who shall be appointed by the Board of Governors of The University of North Carolina, one from each congressional district;

(2) Four members without regard to residency who shall be appointed by the Board of Governors of The University of North Carolina;

(3) Three members, ex officio, who shall be the chief academic officers, respectively, of constituent institutions. The Board of Governors shall in 1985 and quadrennially thereafter designate the three constituent institutions whose chief academic officers shall so serve, such designations to expire on June 30, 1989, and quadrennially thereafter;

(4) The chief academic officer of a college or university in North Carolina other than a constituent institution, ex officio. The Board of Governors shall designate in 1985 and quadrennially thereafter which college or university whose chief academic officer shall so serve, such designation to expire on June 30, 1989, and quadrennially thereafter;

(5) Two members appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121;

(6) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and

(7) Two members appointed by the Governor.

(b) Appointed members of the Board of Trustees shall be selected for their interest in and commitment to public education and to the purposes of the School, and they shall be charged with the responsibility of serving the interests of the whole State. In appointing members, the objective shall be to obtain the services of the best qualified persons, taking into consideration the desirability of diversity of membership, including men and women, representatives of different races, and members of different political parties.

(c) No member of the General Assembly or officer or employee of the State or of the School or of any constituent institution of The University of North Carolina, or the spouse of any such member, officer or employee, shall be eligible to be appointed to the Board of Trustees; and any appointed trustee who is elected or appointed to the General Assembly or who becomes an officer or employee of the State, of the School, or of a constituent institution of The University of North Carolina, or whose spouse is elected or appointed to the General Assembly or becomes such an officer or employee, shall be deemed thereupon to resign from his or her membership on the Board of Trustees. This subsection does not apply to ex officio members.

(d) Seven of the initial class of members of the Board of Trustees appointed under G.S. 116-233(1) and (2) shall be chosen for a term of two years to expire June 30, 1987, and eight shall be chosen for a term of four years to expire June 30, 1989; thereafter, all such members shall be elected to four-year terms. No person other than an ex officio member shall be eligible to serve more than two successive terms. Any vacancy in the membership of the Board of Trustees appointed under G.S. 116-233(1) or (2) shall be reported promptly by the Secretary of the Board of Trustees to the Board of Governors of The University of North Carolina, which shall fill any such vacancy by appointment of a replacement member to serve for the balance of the unexpired term. Any vacancy in members appointed under G.S. 116-233(5) or (6) shall be filled in accordance with G.S. 120-122. Any vacancy in members appointed under G.S. 116-233(7) shall be filled by the Governor for the remainder of the unexpired term.

(e) Of the initial members appointed under G.S. 116-233(5), one member shall serve a term to expire June 30, 1987, and one member shall serve a term to expire June 30, 1989. Subsequent appointments shall be for four-year terms. The initial members appointed under G.S. 116-233(6), shall be appointed for terms to expire June 30, 1987. Subsequent appointments shall be for two-year terms. The initial members appointed under G.S. 116-233(7) shall be appointed for terms to expire January 15, 1989. Successors shall be appointed for four-year terms.

(f) Whenever an appointed member of the Board of Trustees shall fail, for any reason other than ill health or service in the interest of the State or nation, to be present at three successive regular meetings of the Board, his or her place as a member of the Board shall be deemed vacant.

"§ 116-234. *Board of Trustees; meetings; rules of procedure; officers.*—(a) The Board of Trustees shall meet at least four times a year and may hold special meetings at any time, at the call of the chairman

or upon petition addressed to the chairman by at least four of the members of the Board.

(b) The Board of Trustees shall elect a chairman and a vice-chairman; no ex officio member may hold such an office.

(c) The Board of Trustees shall determine its own rules of procedure and may delegate to such committees as it may create such of its powers as it deems appropriate.

(d) Members of the Board of Trustees, other than ex officio members under G.S. 116-233(3), shall receive such per diem compensation and necessary travel and subsistence expenses while engaged in the discharge of their official duties as is provided by law for members of State boards and commissions. Ex officio members under G.S. 116-233(3) shall be reimbursed for travel expenses as provided by G.S. 138-6.

"§ 116-235. *Board of Trustees; powers and duties.*—(a) Academic program.

(1) The Board of Trustees shall establish the standard course of study for the School. This course of study shall set forth the subjects to be taught in each grade and the texts and other educational materials on each subject to be used in each grade.

(2) The Board of Trustees shall adopt regulations governing class size, the instructional calendar, the length of the instructional day, and the number of instructional days in each term.

(b) Students.

(1) Admission of students. The School shall admit students in accordance with criteria, standards, and procedures established by the Board of Trustees. To be eligible to be considered for admission, an applicant must be a legal resident of the State, as defined by G.S. 116-143.1; eligibility to remain enrolled in the School shall terminate at the end of any school year during which a student becomes a nonresident of the State. The Board of Trustees shall ensure, insofar as possible without jeopardizing admission standards, that an equal number of qualified rising high school juniors is admitted to the program and to the residential summer institutes in science and mathematics from each of North Carolina's congressional districts.

(2) School attendance. Every parent, guardian, or other person in this State having charge or control of a child who is enrolled in the School and who is less than 16 years of age shall cause such child to attend school continuously for a period equal to the time which the School shall be in session. No person shall encourage, entice, or counsel any child to be unlawfully absent from the School. Any person who aids or abets a student's unlawful absence from the School shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than 30 days, or both, in the discretion of the court. The Director of the School shall be responsible for implementing such additional policies concerning compulsory attendance as shall be adopted by the Board of Trustees, including regulations concerning lawful and unlawful absences, permissible

excuses for temporary absences, maintenance of attendance records, and attendance counseling.

(3) Student discipline. Rules of conduct governing students of the School shall be established by the Board of Trustees. The Director, other administrative officers, and all teachers, substitute teachers, voluntary teachers, teacher aides and assistants, and student teachers in the School may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order.

(c) Personnel.

(1) Faculty members. Members of the faculty of the School shall be exempt from the provisions of the State Personnel Act. The Board of Trustees shall adopt all policies and regulations governing the qualifications, criteria for employment, assignment, health requirements, terms and conditions of employment, compensation and benefits, and the supervision and management of all faculty members of the School, and such system of employment and employment security as the Board of Trustees may deem to be appropriate.

(2) Senior administrative officers. The senior administrative officers of the School shall consist of a Director, as provided by G.S. 116-236, and such other senior academic and administrative officers as shall be selected and employed by the Board of Trustees. They shall be governed by such policies and regulations and provisions for compensation as the Board of Trustees may adopt, and shall be exempt from the State Personnel Act.

(3) Other employees. All other employees of the School shall be subject to the State Personnel Act and to such supplemental policies and regulations, not inconsistent therewith, as may be adopted by the Board of Trustees.

(4) All employees of the School shall be deemed to be employees of the State and shall be covered by all provisions of State law relevant thereto, including Chapter 97, Chapter 135, and Article 31A of Chapter 143 of the General Statutes.

(d) Finances, property, obligations.

(1) The Board of Trustees shall develop, prepare, and present to the Board of Governors a recommended budget for the School, which shall be transmitted by the Board of Governors to the General Assembly.

(2) Subject to all applicable State law and to the terms and conditions of the instruments under which property is acquired, the Board of Trustees may acquire, hold, convey or otherwise dispose of, and invest or reinvest any and all real and personal property, except that the Board of Trustees may not convey any of the land constituting the campus, except for necessary easements, without the approval of the General Assembly. All power and authority exercised with regard to the acquisition, operation, maintenance, and disposition of real and personal property shall be subject to the provisions of Chapters 143 and 146 of the General Statutes except as provided in G.S. 116-238.

(3) The Board of Trustees is authorized to accept, receive, and use any federal funds, or aids, that may be made available by the federal government which, in the judgment of the Board of Trustees, would be beneficial to the operation of the School.

(4) The Board of Trustees is authorized to establish a permanent endowment fund as provided in G.S. 116-238.

(5) The lands and other property of the School shall be exempt from all kinds of public taxation, except as may be provided for by State law.

(6) The Board of Trustees may establish policies and regulations for the sale of goods and services, not inconsistent with the provisions of Article 11 of Chapter 66 of the General Statutes.

(e) Regulation of traffic and parking and registration of motor vehicles.

(1) Unless the context clearly requires another meaning, the following words and phrases have the meanings indicated when used in this subsection:

a. 'Board of Trustees' means the Board of Trustees of the North Carolina School of Science and Mathematics.

b. 'Campus' means that School property, without regard to location, which is used wholly or partly for the purposes of the North Carolina School of Science and Mathematics.

c. 'School property' means property owned or leased in whole or in part by the State of North Carolina and which is subject to the general management and control of the Board of Trustees of the North Carolina School of Science and Mathematics.

(2) Except as otherwise provided in this subsection, all of the provisions of Chapter 20 of the General Statutes relating to the use of highways of the State and the operation of motor vehicles thereon are applicable to all streets, alleys, driveways, parking lots, and parking structure on School property. Nothing in this subsection modifies any rights of ownership or control of School property, now or hereafter vested in the Board of Trustees or the State of North Carolina.

(3) The Board of Trustees may by ordinance prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic and the parking of motor vehicles and other modes of conveyance on the campus. In fixing speed limits, the Board of Trustees is not subject to G.S. 20-141(f1) or (g2), but may fix any speed limit reasonable and safe under the circumstances as conclusively determined by the Board of Trustees. The Board of Trustees may not regulate traffic on streets open to the public as of right, except as specifically provided in this section.

(4) The Board of Trustees may by ordinance provide for the registration of motor vehicles maintained or operated on the campus by any student, faculty member, or employee of the School, and may fix fees for such registration. The ordinance may make it unlawful for any person to operate an unregistered motor vehicle on the campus when the vehicle is required by the ordinance to be registered.

(5) The Board of Trustees may by ordinance set aside parking lots and other parking facilities on the campus for use by students, faculty, and employees of the School and members of the general public attending schools, conferences, or meetings at the School, visiting or making use of any School facilities, or attending to official business with the School. The Board of Trustees may issue permits to park in these lots and garages and may charge a fee therefor. The Board of Trustees may also by ordinance make it unlawful for any person to park a motor vehicle in any lot or other parking facility without procuring the requisite permit and displaying it on the vehicle.

(6) The Board of Trustees may by ordinance set aside spaces in designated parking areas or facilities in which motor vehicles may be parked for specified periods of time. To regulate parking in such spaces, the Board of Trustees may install a system of parking meters and make it unlawful for any person to park a motor vehicle in a metered space without activating the meter for the entire time that the vehicle is parked, up to the maximum length of time allowed for that space. The meters may be activated by coins of the United States. The Board of Trustees may also install automatic gates, employ attendants, and use any other device or procedure to control access to and collect the fees for using its parking areas and facilities.

(7) The Board of Trustees may by ordinance provide for the issuance of stickers, decals, permits, or other indicia representing the registration status of vehicles or the eligibility of vehicles to park on the campus and may by ordinance prohibit the forgery, counterfeiting, unauthorized transfer, or unauthorized use of them.

(8) Violation of an ordinance adopted under any portion of this sub section is a misdemeanor punishable by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than 30 days, in the discretion of the court. An ordinance may provide that certain acts prohibited thereby shall not be enforced by criminal sanctions, and in such cases a person committing any such act shall not be guilty of a misdemeanor.

(9) An ordinance adopted under any portion of this subsection may provide that violation subjects the offender to a civil penalty. Penalties may be graduated according to the seriousness of the offense or the number of prior offenses by the person charged. The Board of Trustees may establish procedures for the collection of these penalties and they may be enforced by civil action in the nature of debt. The Board of Trustees may also provide for appropriate administrative sanctions if an offender does not pay a validly due penalty or upon repeated offenses. Appropriate administrative sanctions include, but are not limited to, revocation of parking permits, termination of vehicle registration, and termination or suspension of enrollment in or employment by the School.

(10) An ordinance adopted under any portion of this subsection may provide that any vehicle illegally parked may be removed to a storage area. Regardless of whether the School does its own removal and disposal of motor vehicles or contracts with another person to do so, the School shall provide a hearing procedure for the owner. For purposes of this subdivision, the definitions in G.S. 20-219.9 apply.

a. If the School operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of Article 7A, Chapter 20, apply.

b. If the School operates in such a way that it is responsible for collecting towing fees, it shall:

1. Provide by contract or ordinance for a schedule of reasonable towing fees,
2. Provide a procedure for a prompt fair hearing to contest the towing,
3. Provide for an appeal to district court from that hearing,
4. Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due, and
5. If the School chooses to enforce its authority by sale of the vehicle, provide a sale procedure similar to that provided in G.S. 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the School may destroy it.

(11) Evidence that a motor vehicle was found parked or unattended in violation of an ordinance of the Board of Trustees is *prima facie* evidence that the vehicle was parked by:

a. The person holding a School parking permit for the vehicle, or

b. If no School parking permit has been issued for the vehicle, the person in whose name the vehicle is registered with the School pursuant to subdivision (3), above, or

c. If no School parking permit has been issued for the vehicle and the vehicle is not registered with the School, the person in whose name it is registered with the North Carolina Division of Motor Vehicles or the corresponding agency of another state or nation.

The rule of evidence established by this subdivision (11) applies only in civil, criminal, or administrative actions or proceedings concerning violations of ordinances of the Board of Trustees. G.S. 20-162.1 does not apply to such actions or proceedings.

(12) The Board of Trustees shall cause to be posted appropriate notice to the public of applicable traffic and parking restrictions.

(13) All ordinances adopted under this subsection shall be recorded in the minutes of the Board of Trustees and copies thereof shall be filed in the office of the Secretary of State. The Board of Trustees shall provide for printing and distributing copies of its traffic and parking ordinances.

(14) All moneys received pursuant to this subsection shall be placed in a trust account of the School and may be used for any of the following purposes:

a. To defray the cost of administering and enforcing ordinances adopted under this subsection;

b. To develop, maintain, and supervise parking areas and facilities;

c. To fulfill other purposes related to parking, traffic, and transportation on the campus.

(f) Status as a body politic and corporate. The Board of Trustees of the School is hereby made a body corporate and politic, to be known and distinguished as 'The Board of Trustees of the North Carolina School of Science and Mathematics.' The Board of Trustees shall be capable in law to sue and be sued and of prosecuting and defending suits for or against the corporation, subject to the provisions of G.S. 114-2 and G.S. 147-17.

(g) The Board of Trustees may adopt such other policies and regulations as it may consider necessary and expedient for the operation and management of the affairs of the School, not inconsistent with the provisions of this Article.

(h) The Board of Trustees shall keep the Board of Governors fully and promptly informed, through the President of The University of North Carolina, concerning activities of the Board of Trustees, including notices of meetings and copies of the minutes of all such meetings.

"§ 116-236. *Director of the School.*—The chief administrative officer of the School shall be the Director, who shall be appointed by the Board of Trustees to serve at its pleasure. The Director shall administer all affairs of the School, subject to policies, rules, and regulations adopted by the Board of Trustees. The Director shall serve as the Secretary to the Board of Trustees and shall report at least annually to the Board of Trustees concerning the state of the School.

"§ 116-237. *Educational Advisory Council.*—The Board of Governors shall establish a 12-member Educational Advisory Council consisting of (1) ex officio, the State Superintendent of the Department of Public Instruction and the Chairman of the State Board of Education, and (2) 10 persons who are scientists, mathematicians, public school representatives, or other persons having an interest in the School and desiring to contribute to its work. The members of the Advisory Council shall be appointed by the Board of Governors for four-year terms. No person shall be eligible to serve more than two successive four-year terms. The Advisory Council shall give advice and counsel to the Director and the Board of Trustees.

"§ 116-238. *Endowment fund.*—(a) The Board of Trustees of the School may establish and maintain, consistent with this section, an endowment fund for the School.

(b) It is not the intent of this section that the proceeds from any endowment fund shall take the place of State appropriations or any part thereof, but it is the intent of this section that those proceeds shall supplement the State appropriations to the end that the School may improve and increase its functions, may enlarge its areas of service, and may become more useful to a greater number of people.

(c) Pursuant to the foregoing subsections and consistent with the powers and duties prescribed in this section, the Board of Trustees of the School shall appoint an investment board to be known as 'The Board of Trustees of the Endowment Fund of the North Carolina School of Science and Mathematics.'

(d) The trustees of the endowment fund may receive and administer as part of the endowment fund gifts, devises, and bequests and any other property of any kind that may come to them from the Board of Governors of The University of North Carolina or that may come to the trustees of the endowment fund from any other source, excepting always the moneys received from State appropriations and from tuition and fees, if any, collected from students and used for the general operation of the institution.

(e) The trustees of the endowment fund shall be responsible for the prudent investment of the fund in the exercise of their sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries but in compliance with any lawful condition placed by the donor upon that part of the endowment fund to be invested.

(f) In the process of prudent investment of the fund or to realize the statutory intent of the endowment, the Board of Trustees of the endowment fund may expend or use interest and principal of gifts, devises, and bequests; provided that, the expense or use would not violate any condition or restriction imposed by the original donor of the property which is to be expended or used. To realize the statutory intent of the endowment fund, the Board of Trustees of the endowment fund may transfer interest or principal of the endowment fund to the useful possession of the School; provided that, the transfer would not violate any condition or restriction imposed by the original donor of the property which is the subject of the proposed transfer.

(g) The trustees of the endowment fund shall have the power to buy, sell, lend, exchange, lease, transfer, or otherwise dispose of or to acquire (except by pledging their credit or violating a lawful condition of receipt of the corpus into the endowment fund) any property, real or personal, with respect to the fund, in either public or private transaction, and in doing so they shall not be subject to the provisions of Chapters 143 and 146 of the General Statutes; provided that, any expense or financial obligation of the State of North Carolina created by any acquisition or disposition, by whatever means, of any real or personal property of the endowment fund shall be borne by the endowment fund unless authorization to satisfy the expense or financial obligation from some other source shall first have been obtained from the Director of the Budget after the Director of the Budget consults with the Advisory Budget Commission.

(j) Any gift, devise, or bequest of real or personal property to the North Carolina School of Science and Mathematics shall be presumed, nothing to the contrary appearing, a gift, devise, or bequest, as the case may be, to the endowment fund of the School.

(k) Whenever any property of the endowment fund authorized by this section is disposed of or otherwise transferred from the endowment fund, any instrument of transfer shall indicate that the donor, grantor, seller,

lessor, lender, or transferor, as the case may be, is the Board of Trustees of the endowment fund.

(l) All instruments for execution of the duly authorized business of the endowment fund, including deeds of conveyance and other documents of title to real property, are hereby authorized to be executed in the name of the endowment board by the principal officer of the Board of Trustees of the endowment fund or such other person or agent as the board may expressly appoint in a manner consistent with the requirements of law."

(c) G.S. 126-5(C1) is amended by adding a new subdivision to read:

"(11) North Carolina School of Science and Mathematics' employees whose salaries are fixed in accordance with the provisions of G.S. 116-235(c)(1) and G.S. 116-235(c)(2)."

(d) G.S. 66-58 is amended by adding a new subsection to read:

"(g) The North Carolina School of Science and Mathematics may engage in any of the activities permitted by G.S. 66-58(b)(8) and (c)(3)."

(e) G.S. 143-318.18(8) is amended by inserting immediately before the period at the end the phrase "or G.S. 116-238."

(f) G.S. 120-123(17) is amended by deleting "G.S. 115C-223", and substituting "G.S. 116-233".

(g) This section is effective upon ratification.

CHOWAN INTERSTATE COMMISSION

Sec. 207. (a) The General Assembly of North Carolina recognizes that the Chowan River and its tributaries are a major resource whose preservation, conservation, and wise use are essential to a prosperous future of the surrounding regions of North Carolina and Virginia. The Chowan River and its tributaries are the location of a major fisheries resource that is used by Virginia and North Carolina fishermen as a food source for the people of Virginia and North Carolina. The Chowan River is a major transportation artery between North Carolina and Virginia. The Chowan River and its tributaries also are a recreation resource for the people of Virginia and North Carolina. The river and its tributaries are an important resource for agricultural irrigation. The Chowan River and its tributaries also are used for waste transportation and assimilation. These and other uses should be studied thoroughly throughout the Chowan River and its tributaries so as to identify those problems that have developed or may develop due to the lack of coordination between and among these various uses.

(b) The President of the Senate and the Speaker of the House of Representatives of the North Carolina General Assembly (hereinafter, the President and the Speaker) may establish, in cooperation with the Virginia General Assembly, a commission to study the Chowan River, its tributaries, their uses, and the effects of these uses. The commission shall consist of an equal number of members of each of the General Assemblies of Virginia and North Carolina. Members of this commission from North Carolina shall consist of an equal number from the House of Representatives and the Senate. The Speaker shall appoint members from the House of Representatives, and the President shall appoint members from the Senate. The Speaker and the President shall appoint their members as soon as possible.

(c) The President and the Speaker may cooperate with the Virginia General Assembly to establish a date for the submission of the results of the study. The results of the study shall be submitted to the President and the Speaker. The results of the study may be submitted to other bodies, including the Virginia General Assembly, as agreed to by the Virginia General Assembly, the President, and the Speaker. The study shall contain findings of fact, conclusions based thereon, and any recommendations for new legislation or other action as the members of the commission may choose to make. As a minimum, the study shall include the following:

(1) A study of the effect of the uses identified in subsection (b) of this section on the Chowan River and its tributaries; and

(2) A study of the possible costs and benefits of the implementation of agricultural best management practices on the Chowan River and its tributaries.

The commission may undertake to identify and study the effect of such other uses of the Chowan River and its tributaries as the commission deems relevant, and the commission may make such additional recommendations for new legislation or other action, based on identification of such uses and their effects, as the commission may choose.

(d) There is appropriated from the General Fund to the commission established under this act for fiscal year 1985-86 the sum of twenty-five thousand dollars ($25,000) as support for the commission.

MEDICAL DATABASE COMMISSION

Sec. 208. (a) Chapter 131E of the General Statutes is amended by adding a new Article to read:

"Article 11.
"North Carolina Medical Database Commission.

"§ 131E-210. *Title and purpose.*—(a) This Article shall be known as the 'North Carolina Medical Database Commission Act'.

(b) The General Assembly finds that as a result of rising medical care costs and the concern expressed by medical care providers, medical consumers, third-party payers, and health care planners involved with planning for the provision of medical care, there is an urgent need to understand patterns and trends in the use and cost of these services. It is the intent and purpose of this Article to establish an information base to be used to improve the appropriate and efficient usage of medical care services, while at the same time maintaining an acceptable quality of health care services in this State. This is to be accomplished by compiling a uniform set of data and disseminating aggregate data, including but not limited to price and utilization data. It is the intent of the General Assembly to require that the information necessary for a review and comparison of cost, utilization patterns, and quality of medical services be supplied to the Medical Database Commission by all medical care providers and third-party payers both public and private. It is the intent of the General Assembly that any duplication in the collection of medical care data shall be eliminated as recommended by the Medical Database

Commission. The information is to be compiled by a statewide clearinghouse and made available in an aggregate form to interested persons, including medical care providers, payors, medical care consumers, and health care planners to improve the decision-making processes regarding access, identified needs, patterns of medical care, price and use of appropriate medical care services. The Commission shall take steps to assure that patient confidentiality shall be protected.

"§ 131E-211. *North Carolina Medical Database Commission; created.*—(a) There is created the North Carolina Medical Database Commission, to receive medical care data from providers and insurers, construct databases, analyze cost and utilization trends and oversee dissemination of data to users and to further the purposes, findings, and declarations of the General Assembly as found in G.S. 131E-210. The Commission may require that data be submitted to a data processor from all State agencies and State supported providers and from all medical care providers and third-party payers both public and private as described in G.S. 131E-212(b)(1), in accordance with this Article; provided, however, that any data submitted by a medical provider to this Commission shall not be required to be submitted to another State agency, commission, or board, except for medicaid reimbursement data and reports otherwise required by State law or federal regulation.

(b) The North Carolina Medical Database Commission shall consist of nine members. The appointments shall be made as follows:

(1) One employer from a business with 200 or more employees shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(2) One employer from a business with less than 200 employees shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.

(3) One physician shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(4) One hospital administrator shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.

(5) One representative of a commercial insurance company providing health insurance in North Carolina shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(6) One representative of Blue Cross and Blue Shield of North Carolina shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.

(7) One representative of State government at large shall be appointed by the Governor.

(8) One nurse shall be appointed by the General Assembly upon the recommendation of the Speaker of the House in accordance with G.S. 120-121.

(9) One health care provider shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.

The Insurance Commissioner and the Secretary of Human Resources shall be ex officio members of the Commission without voting power.

Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies in appointive terms shall be filled for the unexpired portion of the terms by appointment by the Governor.

(c) The members of the Commission shall serve terms of three years and may serve not more than two consecutive full three-year terms.

(d) The members of the Commission shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(e) The majority of the Commission shall constitute a quorum for the transaction of business.

(f) The members of the Commission shall select a chairman and vice-chairman. Effective for terms to begin on or after July 1, 1987, no person may be elected chairman or vice-chairman unless they have been a member of the Commission for two years before their election. Effective July 1, 1987, the term of the chairman and vice-chairman shall be one year, and no person may be elected to the same office for two full consecutive terms.

(g) The Commission shall meet at least once during each calendar quarter upon the call of the chairman.

(h) The Commission shall issue annual reports on or before March 15 of each calendar year including recommendations to the General Assembly for any changes in the General Statutes needed to further the purposes of this Article. The initial report shall survey the types of discharge and encounter specific data on medical services collected by the State and shall make recommendations for the elimination of duplication in the collection of that data. Subsequent reports shall include plans for expanding the uniform database, which shall begin with data from in-patient hospital admissions, then shall include data at the earliest feasible time from hospital emergency rooms, hospital ambulatory surgery centers, freestanding ambulatory surgery centers and other medical providers including, but not limited to, all licensed health care professionals or entities providing health care services who submit third-party claims, as described in G.S. 131E-212(b)(1). The initial mechanism for data collection will be the UB-82 claim form for hospital inpatients.

(i) The Commission may hire professional and other staff needed to implement the requirements of this Article. Clerical and other services to the Commission may be provided by the Department of Insurance.

(j) The Commission shall prepare and submit its annual budget directly to the Governor.

(k) The Commission shall have the authority to set fees with regard to the collection, compilation, and dissemination of data and to provide reimbursement to data providers in accordance with G.S. 131E-212(b)(4).

(l) The Commission shall adopt standard coding systems to assure adequate data quality.

"§ 131E-212. *North Carolina Medical Database Commission; powers.*—(a) The Commission shall contract with an organization that shall act as a data processor. The data processor shall, pursuant to rules and policies adopted by the Commission, collect the data from the hospitals, third-party carriers, State agencies, and others as described in subdivision (b)(1) of this subsection; build and maintain the database; analyze the information; and prepare reports.

(b) The Commission may adopt rules after holding required public hearings and complying with the other procedural requirements of Chapter 150A of the General Statutes, governing the acquisition, compilation, and dissemination of all data collected pursuant to this Article. The rules shall provide, at a minimum, that:

(1) The Commissioner of Insurance shall require all third-party payers, including licensed insurers, medical and hospital service corporations, health maintenance organizations, and self-funded employee health plans to provide to the Commission the claims data, as required by this Article. The data shall be provided in the most useful form possible to the data processor, which may include copies of the UB-82 to report hospital inpatient claims information, datatape, or other electronic media.

(2) This data shall include the following: patient's age, sex, zip code, third-party coverage, principal and other diagnoses, date of admission, procedure and discharge date, principal and other procedures, total charges and components of those charges, attending physician identification number, and hospital identification number.

(3) The Commission shall ensure that adequate measures have been taken to provide system security for all data and information acquired under this Article.

(4) The data shall be collected in the most efficient and cost-effective manner and the providers of the data shall be reimbursed for the reasonable cost incurred in providing the actual data to the Commission as determined by the Commission.

(5) The Commission shall develop procedures to assure the confidentiality of patient records. Patient names, addresses, and other personal identifiers shall be omitted from the database.

(6) A data provider may obtain data it has submitted as well as other aggregate data, but it may not access data submitted by another provider and which is limited only to that provider. Prior to the release or dissemination of any data, in any form, the Commission shall permit providers an opportunity to verify the accuracy of any information pertaining to the provider.

(7) The Commission shall charge users for the cost of data preparation for information that is beyond the routine data disseminated by the Commission.

(8) Time limits shall be set for the submission and review of data by data providers and penalties shall be established for failure to submit and review the data within the established time.

(c) The Commission may accept gifts, grants, donations, or contributions from any source. These funds shall be held in a separate account and used solely in furtherance of the purposes of this Article.

(d) The Commission may establish committees to study issues related to the operation of the Commission and the database.

(e) Any person who submits data as required by this Article shall be immune from liability in any civil action. This immunity is in addition to any other immunity to which the person is otherwise entitled.

(f) Data collected by and furnished to the Commission pursuant to this Article shall not be shared among other State agencies unless the information is approved by the Commission as a public record pursuant to G.S. 131E-213.

(g) The Commission may not use the data collected for a purpose other than one authorized by this Article.

(h) The Commission shall ensure that no collection of unneeded or irrelevant data will be allowed and that information collected will be kept current and accurate.

"§ 131E-213. *North Carolina Medical Database not public records.*—The individual forms, computer tapes, or other forms of data collected by and furnished to the Commission or data processor shall not be public records under Chapter 132 of the General Statutes and shall not be subject to public inspection. After approval by the Commission, the compilations prepared for release or dissemination from the data collected, except for a report prepared for an individual data provider containing information concerning only its transactions, shall be public records. The confidentiality of patient's individual personal identifiers, such as name or address in conjunction with a social security or patient identification number, is to be protected and the laws of this State with regard to patient confidentiality apply."

(b) The initial appointments of the employer from a business with 200 or more employees, the Hospital Administrator, and the representative of State government shall be for three years. The initial appointments of the employer from a business of less than 200 employees, the physician, and the commercial insurance representative shall be for two years. The initial appointments of the nurse, health care provider, and the representative of Blue Cross and Blue Shield of North Carolina shall be for one year. Thereafter, the terms of all members shall be for three years.

(c) G.S. 120-123 is amended by adding a new subdivision to read:

"(43) The North Carolina Medical Database Commission, as established by G.S. 131E-211."

(d) The North Carolina Medical Database Commission shall terminate and Article 11 of Chapter 131E of the General Statutes shall expire on July 1, 1991.

(e) There is appropriated from the General Fund to the Department of Insurance the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86, and the sum of one hundred thirty-five thousand dollars ($135,000) for fiscal year 1986-87, to implement the provisions of this section.

Part III.
MISCELLANEOUS

Sec. 209. The headings preceding each section of this act are included only as a reference and do not limit, expand, or otherwise affect the sections of this act.

Sec. 210. Except for statutory changes and other provisions that are clearly intended to have an effect beyond the 1985-87 fiscal biennium, the textual provisions of this act apply only to funds appropriated for and activities occurring during the 1985-87 fiscal biennium.

Sec. 211. Except as specifically provided otherwise, this act is effective July 1, 1985.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 760 **CHAPTER 758**

AN ACT TO CONFORM THE ADOPTION STATUTES TO THE STATUTES RELATING TO THE TERMINATION OF PARENTAL RIGHTS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-289.24 is amended by deleting the period at the end of subdivision (6) and substituting in lieu thereof the phrase "; or", and by adding a new subdivision (7) to read:

"(7) Any person who has filed a petition for adoption pursuant to Chapter 48 of the General Statutes when there has been a determination of abuse or neglect under Article 44 of Chapter 7A of the General Statutes."

Sec. 2. G.S. 7A-289.32 is amended by rewriting subdivision (4) to read:

"(4) The child has been placed in the custody of a county department of social services, a licensed child-placing agency, a child-caring institution, or a foster home, and the parent, for a continuous period of six months next preceding the filing of the petition, has willfully failed for such period to pay a reasonable portion of the cost of care for the child although physically and financially able to do so."

Sec. 3. G.S. 7A-289.32 is amended by adding a new subdivision (8) to read:

"(8) The parent has willfully abandoned the child for at least six consecutive months immediately preceding the filing of the petition. For the purpose of this subdivision, a child may be willfully abandoned by his or her natural father if the mother of the child had been willfully abandoned by and was living separate and apart from the father at the time of the child's birth, although the father may not have known of such birth; but in any event the child must be over the age of three months at the time of the filing of the petition."

Sec. 4. G.S. 48-2(1)a. and (1)b. are repealed.

Sec. 5. G.S. 48-5(c) is rewritten to read:

"(c) In all cases where a district court has heretofore entered an order terminating parental rights pursuant to former G.S. 7A-288 or Article 24B of Chapter 7A, the parent whose parental rights were terminated shall not be a necessary party to any proceeding under this Chapter nor shall the consent of such parent or parents be required."

Sec. 6. G.S. 48-5(d) is rewritten to read:

"(d) In the event that a district court has not heretofore entered an order terminating parental rights pursuant to former G.S. 7A-288 or Article 24B of Chapter 7A, the petitioner in the adoption proceeding, when there has been a determination of abuse or neglect under Article 44 of Chapter 7A, may file a petition in district court to terminate the parental rights of either or both parents pursuant to Article 24B of Chapter 7A. In such case the court in the adoption proceeding, upon request of the petitioner, shall continue the adoption proceeding until a final disposition has been made on the petition to terminate parental rights."

Sec. 7. G.S. 48-5 is amended by adding a new subsection (d1) to read:

"(d1) In the event that there is a guardian of the person of the child, the petitioner in the adoption proceeding may file a petition with the clerk of superior court who appointed the guardian to remove him upon one or more of the grounds set forth in G.S. 7A-289.32(2), (4) and (8) for terminating parental rights. In such case the court in the adoption proceeding, upon request of the petitioner, shall continue the adoption proceeding until a final disposition has been made on the petition to remove the guardian."

Sec. 8. G.S. 48-5(e) is rewritten to read:

"(e) If the district court enters an order terminating parental rights pursuant to Article 24B of Chapter 7A or if the clerk of superior court enters an order removing the guardian of the person, the consent of the parent whose parental rights are terminated or the consent of the guardian who is removed shall not be required."

Sec. 9. G.S. 48-5(f) is rewritten to read:

"(f) A copy of the order terminating parental rights pursuant to former G.S. 7A-288 or Article 24B of Chapter 7A or a copy of the order removing the guardian of the person must be filed in the adoption proceeding, and consent must be given or withheld in accordance with G.S. 48-9(a)(2) or (a)(3)."

Sec. 10. G.S. 48-9(a)(2) is amended in lines 2 and 3 thereof by deleting the words "the child has been abandoned by one or both parents or by the guardian of the person of the child" and substituting in lieu thereof the words "an order terminating the parental rights of one or both parents under G.S. 48-5(d) and (e) has been entered by the district court or an order removing the guardian of the person of the child under G.S. 48-5(d1) and (e) has been entered by the clerk of superior court".

Sec. 11. G.S. 48-9(a)(3) is amended in line 2 thereof by adding after the reference "G.S. 7A-289.31" the words "(or former G.S. 7A-288) or when a clerk of superior court has entered an order removing the guardian of the person".

Sec. 12. G.S. 48-11(a) is amended by rewriting the first sentence to read:

"No consent described in G.S. 48-6, 48-7, or 48-9, shall be revocable by the consenting party after the entering of an interlocutory decree has been waived in accordance with the provisions of G.S. 48-21: Provided, no consent shall be revocable after three months from the date of the giving of the consent unless no adoption proceeding is instituted within eighteen months from the date of the giving of the consent in which case the consent may be revoked; provided further, that when the consent has been given generally to a director of social services or to a duly licensed child-placing agency, it shall not be revocable after 30 days from the date of the giving of the consent unless no adoption proceeding is instituted within eighteen months from the date of the giving of the consent in which case the consent may be revoked."

Sec. 13. This act shall become effective October 1, 1985, and shall apply to all petitions for adoption filed on or after that date.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 834 **CHAPTER 759**

AN ACT TO MAKE ADDITIONAL TECHNICAL AMENDMENTS TO THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-115 is amended by adding the following at the end:

"If a vacancy occurs in the office of United States Senator, and the vacancy occurs:

(1) beginning on the tenth day before the filing period ends under G.S. 163-106(c), a nomination shall be made by the State executive committee of each political party and the names of the nominees shall be printed on the general election ballots.

(2) prior to the tenth day before the filing period ends under G.S. 163-106(c), nominations shall be made by primary election as provided by this Article."

Sec. 2. G.S. 163-12 is amended by deleting "30 days", and substituting "60 days".

Sec. 3. The first sentence of G.S. 163-13(b) is amended by deleting "within eight months", and substituting "beginning on the tenth day before the filing period ends under G.S. 163-106(c)", and is further amended in the second paragraph by deleting "more than eight months", and substituting "before the tenth day before the filing period ends under G.S. 163-106(c)".

Sec. 4. The last paragraph of G.S. 163-13(b) is amended by deleting "closing date", and substituting "opening and closing dates".

Sec. 5. The last paragraph of G.S. 163-13(b) is amended by adding the following at the end:

"The Governor may also fix the absentee voting period for the special election and for the special first primary, but such period shall not be less than 30 days."

Sec. 5.1. G.S. 163-230.1(a) is rewritten to read as follows:

"(a) When a qualified voter personally requests by mail an application for absentee ballots, the county board of elections shall cause to be mailed to that voter in a single package:

(1) The official ballots the voter is entitled to vote if his application is approved;

(2) A container-return envelope for the ballots, upon the outside of which shall be printed the appropriate application form as provided in G.S. 163-227;

(3) A large envelope (similar to a No. 14 or larger manila envelope) in which the container-return with the ballots may be returned and on which the affidavit provided by G.S. 163-229(b) shall be printed; and

(4) An instruction sheet.

The ballots, envelopes and instructions shall be mailed to the voter by the county board's chairman, secretary or supervisor as determined by the board and entered in its official minutes.

On the back of the large transmittal envelope shall be clearly printed or stamped the following statement:

DO NOT PLACE THE ENVELOPE CONTAINING YOUR BALLOTS INTO THIS ENVELOPE UNTIL YOU HAVE COMPLETED THE APPLICATION ON THE ENVELOPE CONTAINING YOUR BALLOTS AND SECURED THE SIGNATURE OF A WITNESS."

Sec. 5.2. G.S. 163-230.1(b) is amended by deleting "container-return envelope affidavit" and substituting "large envelope affidavit".

Sec. 5.3. The second sentence of G.S. 163-230.1(b) is repealed.

Sec. 5.4. The third sentence of G.S. 163-230.1(b) is amended by deleting "application and the" and by deleting "separately".

Sec. 5.5. G.S. 163-230.1(c) is amended by deleting "application and container-return envelope" both places and substituting "container-return envelope, and large envelope".

Sec. 6. G.S. 163-106(h) is amended by adding the following at the end:

"Notwithstanding this subsection, a person may file a notice of candidacy for a full term as United States Senator, and also file a notice of candidacy for the remainder of the unexpired term of that same seat in an election held under G.S. 163-12, and may file a notice of candidacy for a full term as a member of the United States House of Representatives, and also file a notice of candidacy for the remainder of the unexpired term in an election held under G.S. 163-13."

Sec. 6.1. The first paragraph of G.S. 163-278.23 is amended by deleting "15 days", and substituting "30 days".

Sec. 7. G.S. 163-41(a) is amended at line 1 of paragraph 9 by deleting the words "Before entering upon his duties each registrar" and inserting in lieu thereof the words "As soon as practicable, following their training as prescribed in G.S. 163-80(d), each registrar and judge of elections" and in the oath following paragraph 9 at line 7 of the oath by inserting after the word "of" the following: "(judge of elections in)".

Sec. 7.1. G.S. 163-41(a) is amended by adding the following immediately after the ninth paragraph: "Notwithstanding the previous paragraph, a person appointed registrar by the judges of election under

this section, or appointed judge of election by the registrar under this section may take the oath of office immediately upon appointment."

Sec. 8. G.S. 163-41(a) is further amended by rewriting the last paragraph thereof to read as follows:

"Before the opening of the polls on the morning of the primary or election, the registrar shall administer the oath set out in the preceding paragraph to each assistant, and any judge of elections not previously sworn, substituting for the words 'registrar of' the words 'assistant in' or 'judge of elections in' whichever is appropriate."

Sec. 9. This act is effective upon ratification, except that Sections 5.1 through 5.5 shall become effective with respect to elections held on or after January 1, 1986.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 1291 **CHAPTER 760**

AN ACT TO AMEND THE CHIROPRACTIC LAW.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 90-144 is repealed.

Sec. 2. G.S. 90-154(b)(4) is rewritten to read:

"(4) Unethical conduct in the practice and profession as defined in G.S. 90-154.1."

Sec. 3. G.S. 90-154(b)(7) is rewritten to read:

"(7) Not rendering acceptable care in the practice of the profession as defined in G.S. 90-154.2."

Sec. 4. Article 8 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-154.1. *Unethical conduct.*—Unethical conduct is defined as:

(1) The over-utilization or improper use, in the providing of treatment, physiological therapeutics, radiographics, or any other service not commensurate with the stated diagnosis and clinical findings. This determination shall be based upon the collective findings and experience of the Board utilizing the best available, relative information and advice. There must be a rationale for the services provided the patient.

(2) The billing or otherwise charging of a fee to a third party payor for a service offered by the doctor as a free service, which service is accepted as a free service by any patient when, in fact, the doctor of chiropractic is transmitting any charge to a third party payor for payment.

(3) The over-utilization of ionizing radiation in the re-x-ray of a patient. The acceptable guidelines for re-x-ray are:

a. When fractures are evident;
b. When bone pathologies are under evaluation;
c. When soft tissue pathologies are under evaluation;
d. When there is reinjury;
e. When the original x-ray findings have revealed limitations of ranges and motion, re-x-ray may be done after clinical progress

has revealed objective improvement, but not within 12 days and only limited views would be indicated.

(4) Any licensee's failure to use the words Chiropractic Physician, Chiropractor or the initials D.C. in conjunction with the use of his name in his capacity as a Chiropractor on all reports, statements of claim for services rendered and on all signs, letterheads, business cards, advertising, and any other items of identification.

(5) Violation of the Rules of Ethics of Advertising and Publicity.

(6) The allowance of any unlicensed person to practice chiropractic in the office of a licensed chiropractic."

Sec. 5. Article 8 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-154.2. *Acceptable practice.*—Acceptable care in the practice of chiropractic shall include:

(1) The usual and customary methods as taught in recognized chiropractic colleges for:

a. Examination and diagnosis;
b. The use of chiropractic adjustive procedures;
c. Physiological therapeutic agents;
d. Diagnostic radiology; and
e. The maintenance of records sufficient to substantiate the patient's progress in the reestablishment and promotion of health in a hygenic manner.

(2) The maintenance of the office, premises and equipment in a clean, sanitary, safe, and adequate condition.

Any and all care rendered which is not in accordance with the foregoing is unacceptable care. Nothing in this section shall be deemed to alter the lawful scope of the practice of chiropractic as defined in G.S. 90-143."

Sec. 6. G.S. 90-155 is amended by adding a new paragraph, at the end, to read:

"If any licensee of the Board retires from active practice, the licensee may renew his license annually by paying the license fee and shall not be required to furnish the Board proof of continuing education; however, if at a later time the licensee desires to resume active practice, the licensee shall first appear before the Board and the Board shall determine his competency to practice."

Sec. 7. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 1340 **CHAPTER 761**

AN ACT TO PROHIBIT THE IMPERSONATION OF A LAW ENFORCEMENT OFFICER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-277 is rewritten to read:

"§ 14-277. *Impersonation of a law enforcement or other public officer.*—(a) No person shall falsely represent to another that he is a

sworn law enforcement officer. As used in this section, a person represents that he is a sworn law enforcement officer if he:

(1) Verbally informs another that he is a sworn law enforcement officer, whether or not the representation refers to a particular agency;

(2) Displays any badge or identification signifying to a reasonable individual that the person is a sworn law enforcement officer, whether or not the badge or other identification refers to a particular law enforcement agency; or

(3) Unlawfully operates a vehicle on a public street, highway or public vehicular area with an operating red or blue light as defined in G.S. 20-130.1.

(b) No person shall, while falsely representing to another that he is a sworn law enforcement officer, carry out any act in accordance with the authority granted to a law enforcement officer. For purposes of this section, an act in accordance with the authority granted to a law enforcement officer includes:

(1) Ordering any person to remain at or leave from a particular place or area;

(2) Detaining or arresting any person;

(3) Searching any vehicle, building, or premises, whether public or private, with or without a search warrant or administrative inspection warrant;

(4) Unlawfully operating a vehicle on a public street or highway or public vehicular area equipped with an operating red or blue light or siren in such a manner as to cause a reasonable person to yield the right-of-way or to stop his vehicle in obedience to such red or blue light or siren.

(c) Nothing in this section shall prohibit any person from detaining another as provided by G.S. 15A-404 or assisting a law enforcement officer as provided by G.S. 15A-405.

(d) Violation of subsection (a) of this section is a misdemeanor punishable under G.S. 14-3(a). Violation of subsection (b) of this section is a misdemeanor. Upon conviction under subsection (b), the trial judge must sentence the defendant to a term of imprisonment of not less than 72 hours and not more than two years. The term of imprisonment may be suspended on condition that the defendant:

(1) be imprisoned for a term of at least 72 hours as a condition of special probation; or

(2) perform community service for a term of 72 hours;

(3) pay a fine in the discretion of the court; or

(4) any combination of these conditions.

The judge may, in his discretion, impose any other lawful condition of probation.

(e) It shall be unlawful for any person other than duly authorized employees of a county, a municipality or the State of North Carolina, including but not limited to, the Department of Social Services, Health, or Mental Health or Building Inspector to represent to any person that they are duly authorized employees of a county, a municipality or the State of North Carolina or one of the above enumerated departments and acting

upon such representation to perform any act, make any investigation, seek access to otherwise confidential information, perform any duty of said office, gain access to any place not otherwise open to the public, or seek to be afforded any privilege which would otherwise not be afforded to such person except for such false representation or make any attempt to do any of said enumerated acts. Any person, corporation, or business association violating the provisions of this section shall be guilty of a misdemeanor and upon conviction may be fined or imprisoned at the discretion of the court."

Sec. 2. Chapter 477 of the 1985 Session Laws is hereby repealed.

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 114 **CHAPTER 762**

AN ACT TO PROVIDE THAT CLAIMS TO LAND UNDER NAVIGABLE WATERS MAY BE LITIGATED IN SUPERIOR COURT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-206 is amended as follows:

(1) by rewriting subsection (e) to read:

"(e) A person who claims that the application of G.S. 113-205 or this section has deprived him of his private property rights in land under navigable waters or his right of fishery in navigable waters without just compensation may file a complaint in the superior court of the county in which the property is located to contest the application of G.S. 113-205 or this section. If the plaintiff prevails, the trier of fact shall fix the monetary worth of the claim, and the Department may condemn the claim upon payment of this amount to him if the Secretary considers condemnation appropriate and necessary to conserve the marine and estuarine resources of the State. The Department may pay for a condemned claim from available funds. An action under this subsection is considered a condemnation action and is therefore subject to G.S. 7A-248.

The limitation period for an action brought under this subsection is three years. This period is tolled during the disability of the plaintiff. No action, however, may be instituted under this subsection after December 31, 1993."; and

(2) By adding a new subsection to read:

"(f) In evaluating claims registered pursuant to G.S. 113-205, the Secretary shall favor public ownership of submerged lands and public trust rights. The Secretary's action does not alter or affect in any way the rights of a claimant or the State.

To facilitate resolution of claims registered pursuant to G.S. 113-205, the Secretary, in cooperation with the Secretary of Administration and the Attorney General, shall establish a plan to resolve these claims by December 31, 1990. The Secretary shall notify the Secretary of Administration and the Attorney General of the resolution of each claim.

In addition, on or before October 1 of each year, the Secretary shall submit a report to the Joint Legislative Commission on Governmental Operations stating the following:

(1) The number of claims registered pursuant to G.S. 113-205 that were resolved during the preceding year;

(2) The cost of resolving these claims;

(3) The number of unresolved claims; and

(4) Payments made to acquire claims by condemnation."

(3) By deleting the word "court" from the third sentence of subsection (d) and substituting the words "trier of fact".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 747 **CHAPTER 763**

AN ACT TO PRESCRIBE COMPENSATION FOR SUPERVISORS OF ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-35(c) is rewritten to read:

"(c) Compensation of Supervisors of Elections. Compensation paid to supervisors of elections in all counties maintaining full-time registration (five days per week) shall be in the form of a salary in an amount recommended by the county board of elections and approved by the Board of County Commissioners and shall be commensurate with the salary paid to supervisors in counties similarly situated and similar in population and number of registered voters.

Beginning July 1, 1985, in any county operating under modified registration PLAN A, B, C, or D, the Board of County Commissioners shall compensate the supervisor of elections at a minimum rate of six dollars ($6.00) per hour for hours worked in attendance to his or her duties as prescribed by law, including rules and regulations adopted by the State Board of Elections. In addition, the county shall pay to the supervisor an hourly wage equal at least to that required by federal law for all hours worked in excess of those prescribed in rules and regulations adopted by the State Board of Elections, when such additional hours have been approved by the county board of elections and such approval has been recorded in the official minutes of the county board of elections.

In addition to the compensation provided for herein, the supervisor of elections to the county board of elections shall be granted the same vacation leave, sick leave, and petty leave as granted to all other county employees. It shall also be the responsibility of the Board of County Commissioners to appropriate sufficient funds to compensate a replacement for the supervisor of elections when authorized leave is taken."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

H.B. 533 **CHAPTER 764**

AN ACT TO CLASSIFY MINOR TRAFFIC OFFENSES AS INFRACTIONS AND TO PROVIDE A PROCEDURE FOR THE DISPOSITION OF SUCH INFRACTIONS BY THE COURTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes is amended by adding a new section, G.S. 14-3.1, to read as follows:

"§ 14-3.1. *Infraction defined; sanctions.*—(a) An infraction is a noncriminal violation of law not punishable by imprisonment. Unless otherwise provided by law, the sanction for a person found responsible for an infraction is a penalty of not more than one hundred dollars ($100.00). The proceeds of penalties for infractions are payable to the county in which the infraction occurred for the use of the public schools.

(b) The procedure for disposition of infractions is as provided in Article 66 of Chapter 15A of the General Statutes."

Sec. 2. G.S. 14-4 is amended by designating the present section as subsection (a) and amending the redesignated subsection (a) by inserting at the beginning of that subsection the phrase "Except as provided in subsection (b),"; that section is further amended by adding a new subsection (b) to read as follows:

"(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars ($50.00)."

Sec. 3. Chapter 15A of the General Statutes is amended by adding a new Article 66 to read as follows:

"Article 66.
"Procedure for Hearing and Disposition of Infractions.

"§ 15A-1111. *General procedure for disposition of infractions.*—The procedure for the disposition of an infraction, as defined in G.S. 14-3.1, is as provided in this Article. If a question of procedure is not governed by this Article, the procedures applicable to the conduct of pretrial and trial proceedings for misdemeanors in district court are applicable unless the procedure is clearly inapplicable to the hearing of an infraction.

"§ 15A-1112. *Venue.*—Venue for the conduct of infraction hearings lies in any county where any act or omission constituting part of the alleged infraction occurred.

"§ 15A-1113. *Prehearing procedure.*—(a) Process. A law enforcement officer may issue a citation for an infraction in accordance with the provisions of G.S. 15A-302. A judicial official may issue a summons for an infraction in accordance with the provisions of G.S. 15A-303.

(b) Detention of person charged. A law enforcement officer who has probable cause to believe a person has committed an infraction may detain the person for a reasonable period in order to issue and serve him a citation.

(c) Appearance bond may be required. A person charged with an infraction may not be required to post an appearance bond if:

(1) he is licensed to drive by a state that subscribes to the nonresident violator compact as defined in Article 1B of Chapter 20 of the General Statutes and the infraction charged is subject to the provisions of that compact; or

(2) he is a resident of North Carolina.

Any other person charged with an infraction may be required to post a bond to secure his appearance and a charging officer may require such a person charged to accompany him to a judicial official's office to allow the official to determine if a bond is necessary to secure the person's court appearance, and if so, what kind of bond is to be used. If the judicial official finds that the person is unable to post a secured bond, he must allow the person to be released on execution of an unsecured bond. The provisions of Article 26 of this Chapter relating to issuance and forfeiture of bail bonds are applicable to bonds required pursuant to this subsection.

(d) Territorial jurisdiction. A law enforcement officer's territorial jurisdiction to charge a person with an infraction is the same as his jurisdiction to arrest specified in G.S. 15A-402.

(e) Use of same process for two offenses. A person may be charged with a criminal offense and an infraction in the same pleading.

"§ 15A-1114. *Hearing procedure for infractions.*—(a) Jurisdiction. Jurisdiction for the adjudication and disposition of infractions is as specified in G.S. 7A-253 and G.S. 7A-271(d).

(b) No trial by jury. In adjudicatory hearings for infractions, no party has a right to a trial by jury in district court.

(c) Infractions heard in civil or criminal session. A district court judge may conduct proceedings relating to traffic infractions in a civil or criminal session of court, unless the infraction is joined with a criminal offense arising out of the same transaction or occurrence. In such a case, the criminal offense and the infraction must be heard at a session in which criminal matters may be heard.

(d) Pleas. A person charged with an infraction may admit or deny responsibility for the infraction. The plea must be made by the person charged in open court, unless he submits a written waiver of appearance which is approved by the presiding judge, or, if authorized by G.S. 7A-146, he waives his right to a hearing and admits responsibility for the infraction in writing and pays the specified penalty and costs.

(e) Duty of district attorney. The district attorney is responsible for ensuring that infractions are calendared and prosecuted efficiently.

(f) Burden of proof. The State must prove beyond a reasonable doubt that the person charged is responsible for the infraction unless the person admits responsibility.

(g) Recording not necessary. The State does not have to record the proceedings at infraction hearings. With the approval of the court, a party may, at his expense, record any proceeding.

"§ 15A-1115. *Review of disposition by superior court.*—(a) Appeal of district court decision. A person who denies responsibility and is found responsible for an infraction in the district court, within 10 days of the hearing, may appeal the decision to the criminal division of the superior court for a hearing *de novo.* Upon appeal, either party, upon demand in the manner required by G.S. 1A-1, Rule 38, is entitled to have the issue

of responsibility decided by a jury. The State must prove beyond a reasonable doubt that the person charged is responsible for the infraction unless the person admits responsibility. Unless otherwise provided by law, the procedures applicable to misdemeanors disposed of in the superior court apply to those infraction hearings. In the superior court, a prosecutor must represent the State. Appeal from the judgment in the superior court is as provided for other criminal actions in superior court, and the Attorney General must represent the State in an appeal of such actions.

(b) Review of infractions originally disposed of in superior court. If the superior court disposes of an infraction pursuant to its jurisdiction in G.S. 7A-271(d), appeal from that judgment is as provided for criminal actions in the superior court.

"§ 15A-1116. *Enforcement of sanctions.*—(a) Use of contempt or fine collection procedures; notification of DMV. If the person does not comply with a sanction ordered by the court, the court may proceed in accordance with Chapter 5A of the General Statutes. If the person fails to pay a penalty, the court may proceed in accordance with Article 84 of this Chapter. If the infraction is a motor vehicle infraction and the person does not pay the applicable penalty and costs within 30 days of the date specified in the court's judgment, the court must notify the Division of Motor Vehicles of the failure to comply.

(b) No order for arrest. If a person served with a citation for an infraction fails to appear to answer the charge, the court may issue a summons to secure the person's appearance, but an order for arrest may not be used in such cases.

"§ 15A-1117. *Court to report failures to appear.*—The court must report to the Division of Motor Vehicles the name of any person charged with a motor vehicle offense who fails to appear for a scheduled hearing, unless within 20 days after the scheduled hearing, the person either appears in court to answer the charge or disposes of the charge pursuant to the procedure authorized in G.S. 7A-146.

"§ 15A-1118. *Costs.*—Costs assessed for an infraction are as specified in G.S. 7A-304."

Sec. 4. G.S. 15A-302 is amended by rewriting subsection (a) to read:

"(a) Definition. A citation is a directive, issued by a law enforcement officer or other person authorized by statute, that a person appear in court and answer a misdemeanor or infraction charge or charges."

That section is further amended by adding in subsection (b) after the word "misdemeanor" the words "or infraction". That section is further amended in subsection (e) by inserting after the word "crime" in the first sentence the words "or infraction". That section is further amended in subsection (f) by inserting at the beginning of that subsection the words and punctuation "If the offense is a misdemeanor, a" and by deleting the word "A".

Sec. 5. G.S. 15A-303 is amended by adding the words "or infraction" after the word "crime" in the first sentence of subsection (a). That section is further amended in subsection (b) by adding in the caption and in each of the two sentences after the word "crime" the words "or infraction". That section is further amended by adding, at the beginning of subsection

(e)(1), the words and punctuation "If the offense charged is a criminal offense, a" and by deleting the word "A". That section is further amended by adding, at the beginning of subsection (e)(2), the words and punctuation "If the offense charged is a criminal offense, an" and by deleting the word "An".

Sec. 6. G.S. 15A-1361 is rewritten to read as follows:

"§ 15A-1361. *Authorized fines and penalties.*—A person who has been convicted of a criminal offense may be ordered to pay a fine as provided by law. A person who has been found responsible for an infraction may be ordered to pay a penalty as provided by law. Unless the context clearly requires otherwise, references in this Article to fines also include penalties."

Sec. 7. G.S. 7A-61 is amended by inserting in the first sentence between the words "actions" and "requiring" the words "and infractions".

Sec. 8. G.S. 7A-146(8) is rewritten to read as follows:

"(8) Promulgating the schedule of alcohol, traffic, hunting, fishing, and boating offenses adopted pursuant to G.S. 7A-148(a) for which magistrates and clerks of court may accept written appearances, waivers of hearing or trial, and pleas of guilty or admissions of responsibility and establishing a schedule of fines or penalties therefor;".

Sec. 9. G.S. 7A-148(a) is amended by deleting the words "waivers of trial and pleas of guilty and establish a schedule of offenses therefor," and inserting in their place the words "waivers of trial or hearing and pleas of guilty or admissions of responsibility, and establish a schedule of penalties or fines therefor,".

Sec. 10. G.S. 7A-180(4) is rewritten to read as follows:

"(4) Has the power to accept written appearances, waivers of trial or hearing and pleas of guilty or admissions of responsibility to certain alcohol, traffic, hunting, fishing, and boating offenses in accordance with a schedule of offenses promulgated by the Conference of Chief District Judges pursuant to G.S. 7A-148, and in such cases, to enter judgment and collect the fine or penalty and costs;".

Sec. 11. G.S. 7A-191 is amended by rewriting the first sentence to read as follows: "All trials on the merits and all hearings on infractions conducted pursuant to Article 66 of Chapter 15A shall be conducted in open court and so far as convenient in a regular courtroom."

Sec. 12. G.S. 7A-196 is amended to add a new subsection (c) to read as follows:

"(c) In adjudicatory hearings for infractions, there shall be no right to trial by jury in the district court."

Sec. 13. G.S. 7A-198(e) is amended by deleting the period at the end of the subsection and inserting in its place the following: "or in hearings to adjudicate and dispose of infractions in the district court."

Sec. 14. Article 20 of Chapter 7A of the General Statutes is amended by adding a new section, G.S. 7A-253, to read as follows:

"§ 7A-253. *Infractions.*—Except as provided in G.S. 7A-271(d), original, exclusive jurisdiction for the adjudication and disposition of infractions lies in the district court division."

Sec. 15. G.S. 7A-271 is amended by adding a new subsection (d) to read as follows:

"(d) The criminal jurisdiction of the superior court includes the jurisdiction to dispose of infractions only in the following circumstances:

(1) If the infraction is a lesser included violation of a criminal action properly before the court, the court must submit the infraction for the jury's consideration in factually appropriate cases.

(2) If the infraction is a lesser included violation of a criminal action properly before the court, or if it is a related charge, the court may accept admissions of responsibility for the infraction. A proper pleading for the criminal action is sufficient to support a finding of responsibility for the lesser included infraction."

Sec. 16. G.S. 7A-273 is amended by inserting after the word "actions" in the first line the words "or infractions"; that section is further amended by rewriting subdivision (2) to read as follows:

"(2) In misdemeanor or infraction cases involving alcohol, traffic, hunting, fishing, and boating offenses, to accept written appearances, waivers of trial or hearing and pleas of guilty or admissions of responsibility, in accordance with the schedule of offenses and fines or penalties promulgated by the Conference of Chief District Judges pursuant to G.S. 7A-148, and in such cases, to enter judgment and collect the fines or penalties and costs;".

That section is further amended by adding between the word "in" and the word "criminal" in the caption the words "infractions or".

Sec. 17. G.S. 7A-304 is amended by adding a new subsection (e) to read as follows:

"(e) Unless otherwise provided by law, the costs assessed pursuant to this section for criminal actions disposed of in the district court are also applicable to infractions disposed of in the district court. The costs assessed in superior court for criminal actions appealed from district court to superior court are also applicable to infractions appealed to superior court. If an infraction is disposed of in the superior court pursuant to G.S. 7A-271(d), costs applicable to the original charge are applicable to the infraction."

Sec. 18. G.S. 20-24(c) is amended by rewriting the first sentence to read as follows: "For the purpose of this Article, the term conviction shall mean a final conviction of a criminal offense or a determination that a person is responsible for an infraction."

Sec. 19. Article 2 of Chapter 20 of the General Statutes is amended by adding a new section, G.S. 20-24.1, to read as follows:

"§ 20-24.1. *Revocation for failure to appear or comply with sanctions in offenses.*—(a) The Division must revoke the driver's license of a person upon receipt of notice from a court that the person was charged with a motor vehicle offense and he:

(1) failed to appear, after being notified to do so, when the case was called for a trial or hearing; or

(2) failed to pay a fine, penalty, or court costs ordered by the court.

Revocation orders entered under the authority of this section are effective on the sixtieth day after the order is mailed or personally delivered to the person.

(b) A license revoked under this section remains revoked until the person whose license has been revoked:

(1) appears to answer the charge; or
(2) demonstrates to the court that he is not the person charged with the infraction; or
(3) pays the penalty ordered by the court; or
(4) demonstrates to the court that his failure to pay the penalty was not willful and that he is making a good faith effort to pay or that the penalty should be remitted.

Upon receipt of notice from the court that the person has satisfied the conditions of this subsection applicable to his case, the Division must restore the person's license as provided in subsection (c). In addition, if the person whose license is revoked is not a resident of this State, the Division may notify the driver licensing agency in the person's state of residence that the person's license to drive in this State has been revoked.

(c) If the person satisfies the conditions of subsection (b) that are applicable to his case before the effective date of the revocation order, the revocation order must be rescinded and the person does not have to pay a restoration fee. For all other revocation orders issued pursuant to this section, the person must pay the restoration fee required by G.S. 20-7(o) and satisfy any other applicable requirements of this Article before he may be relicensed.

(d) To facilitate the prompt return of licenses and to prevent unjustified charges of driving while license revoked, the clerk of court, upon request, must give the person a copy of the notice it sends to the Division to indicate that the person has complied with the conditions of subsection (b) applicable to his case. If the person complies with the condition before the effective date of the revocation, the notice must indicate that the person is eligible to drive if he is otherwise validly licensed."

Sec. 20. G.S. 20-176 is rewritten to read as follows:

"§ 20-176. *Penalty for misdemeanor or infraction.*—(a) Violation of a provision of Part 9, 10, 10A, or 11 of this Article is an infraction unless the violation is specifically declared by law to be a misdemeanor or felony. Violation of the remaining Parts of this Article is a misdemeanor unless the violation is specifically declared by law to be an infraction or a felony.

(b) Unless a specific penalty is otherwise provided by law, a person found responsible for an infraction contained in this Article may be ordered to pay a penalty of not more than one hundred dollars ($100.00).

(c) Unless a specific penalty is otherwise provided by law, a person convicted of a misdemeanor contained in this Article may be imprisoned for not more than 60 days or fined not more than one hundred dollars ($100.00), or both such fine and imprisonment. A punishment is specific for purposes of this subsection if it contains a quantitative limit on the term of imprisonment or the amount of fine a judge can impose.

(d) For purposes of determining whether a violation of an offense contained in this Chapter constitutes negligence per se, criminal offenses and infractions shall be treated identically."

Sec. 21. G.S. 20-79(a) is amended by adding between the figure ($1,000) and the period in the subsection the words "and may be imprisoned for not more than 60 days, or both such fine and imprisonment".

Sec. 22. G.S. 20-108 is amended by inserting between the words "or" and "imprisonment" the words "up to six months".

Sec. 23. G.S. 20-183.8 is amended by rewriting subsection (c) of that section to read as follows:

"(c) Except for the unauthorized reproduction of an inspection sticker, violation of any provision of this Article is an infraction which carries a penalty of not more than fifty dollars ($50.00). The unauthorized reproduction of an inspection sticker is a forgery under G.S. 14-119."

That section is further amended by deleting the last sentence of subsection (d).

Sec. 24. G.S. 20-37.6 is amended by deleting from subsection (f)(1) the words "The penalty for a violation of G.S. 20-37.6(e)(1), and (2) and (3) shall be twenty-five dollars ($25.00)" and inserting in their place the words "A violation of G.S. 20-37.6(e)(1), (2) or (3) is an infraction which carries a penalty of twenty-five dollars ($25.00)"; that section is further amended by deleting from subsection (f)(2) the words "The penalty for violation of G.S. 20-37.6(e)(4) shall be fifty dollars ($50.00)" and by inserting in their place the words "A violation of G.S. 20-37.6(e)(4) is an infraction which carries a penalty of fifty dollars ($50.00)".

Sec. 25. G.S. 20-146(e) is amended by deleting the last sentence of that subsection.

Sec. 26. G.S. 20-135(d) is repealed.

Sec. 27. G.S. 20-137 is amended by deleting the second paragraph of that section.

Sec. 28. G.S. 20-140(d) is rewritten to read as follows:

"(d) Reckless driving as defined in subsections (a) and (b) is a misdemeanor, punishable by imprisonment not to exceed six months or a fine not to exceed five hundred dollars ($500.00), or both a fine and imprisonment."

Sec. 29. G.S. 20-141 is amended by adding a new subsection (j1) to read as follows:

"(j1) It is a misdemeanor punishable as provided in G.S. 20-176 for a person to drive a vehicle on a highway at a speed that is more than 15 miles per hour more than the speed limit established by law for the highway where the offense occurred."

Sec. 30. G.S. 20-141(j) is amended by inserting after the word "laws" the words "is guilty of a misdemeanor and".

Sec. 31. G.S. 20-157(a) is amended by adding a new sentence at the end of the subsection to read as follows: "Violation of this subsection is a misdemeanor punishable as provided by G.S. 20-176."

Sec. 32. G.S. 20-162.1 is amended in the second paragraph by deleting the word "convicted" and inserting in its place the words "found responsible for an infraction".

Sec. 33. G.S. 20-166.1 is amended by adding a new subsection (k) to read as follows:

"(k) A violation of any provision of this section is a misdemeanor punishable as provided in G.S. 20-176."

Sec. 33.1. G.S. 20-167.1(d) is amended by adding between the words "section" and "shall" the words "is guilty of a misdemeanor and".

Sec. 34. G.S. 153A-123(b) is rewritten to read as follows:

"(b) Unless the Board of Commissioners has provided otherwise, violation of a county ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4."

Sec. 35. G.S. 160A-175(b) is rewritten to read as follows:

"(b) Unless the Council shall otherwise provide, violation of a city ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4."

Sec. 36. G.S. 116-44.4(g) is rewritten to read as follows:

"(g) Violation of an ordinance adopted under any portion of this Part is an infraction as defined in G.S. 14-3.1 and is punishable by a penalty of not more than fifty dollars ($50.00). An ordinance may provide that certain prohibited acts shall not be infractions and in such cases the provisions of subsection (h) may be used to enforce the ordinance."

Sec. 37. G.S. 115C-46(a) is amended by deleting the second and third sentences of that subsection and inserting in lieu thereof: "A violation of a rule or regulation concerning parking on public school grounds is an infraction punishable by a penalty of not more than ten dollars ($10.00) unless the regulation provides that the violation is not punishable as an infraction."

Sec. 38. G.S. 115D-21(b) is amended by deleting the fifth sentence of that subsection and inserting in its place the following: "Violation of any such rules, regulations, or ordinances, is an infraction punishable by a penalty of not more than one hundred dollars ($100.00)."

Sec. 39. G.S. 143-116.7(c) is rewritten to read:

"(c) A violation of these regulations or ordinances is an infraction punishable by a penalty not to exceed fifty dollars ($50.00)."

Sec. 40. This act shall become effective July 1, 1986, and shall apply to offenses committed on or after that date. Offenses committed before the effective date of this act shall be governed by the law in effect at the time of the offense.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

S.B. 18 **CHAPTER 765**

AN ACT TO ESTABLISH THE NORTH CAROLINA CENTER FOR MISSING CHILDREN.

Whereas, the 1984 Governor's Task Force on missing children was convened to study the problem of missing children by evaluating the adequacy of existing laws relating to missing children, by reviewing collections and analyses of data on missing children, by reviewing public and private responses to reports of missing children, and by identifying and developing effective information and education programs on missing children; and

Whereas, the 1984 Governor's Task Force, finding that one-fourth of the State's population is under 18 years of age, made the following recommendations to protect North Carolina's children:

(1) Parents and caretakers should report the disappearance of a child to local law enforcement as soon as it is learned that a child is missing;

(2) Law enforcement agencies should make immediate responses to reports of missing children;

(3) The Police Information Network should immediately be provided with resources to allow it to expand the standard reporting form to obtain necessary information on missing children;

(4) The Governor should immediately establish by executive order the North Carolina Missing Children's Information Center and the General Assembly should enact legislation establishing such a center in the statutes;

(5) Safety house programs should be established in every county;

(6) The General Assembly should amend Chapter 15B of the General Statutes to make clear that children who are innocent victims of criminal acts may claim compensation from the North Carolina Crime Victims Compensation Commission;

(7) Every North Carolina child should have the opportunity to have fingerprints taken for safekeeping by the parents;

(8) Call-back programs should be established in every North Carolina school;

(9) The North Carolina Justice Academy should develop and present appropriate training for law enforcement on the problems of missing children;

(10) Local task forces should be established to foster cooperation and improve local services for missing children;

(11) Missing Child Teams of police and social workers should be established in local areas; and

(12) The General Assembly should create a legislative study commission to consider legislation that will help prevent missing children; and

Whereas, 1984 Executive Order No. 112, issued on and effective October 25, 1984, addressed the recommendations of the task force that could be ordered by executive order, including establishing the North Carolina Missing Children's Information Center within the Department of Crime Control and Public Safety and mandating that the Governor's Crime Commission report to the 1985 General Assembly its recommendations regarding changes in the law necessary to carry out the Task Force's and the Governor's Advocacy Council on Children and Youth's recommendations; and

Whereas, the General Assembly recognizes the vital need to continue examining ways to protect all the State's children and to continue and make statutory the North Carolina Center for Missing Children as a vital mechanism to ensure that parents, caretakers, children, and all interested, federal, State, and local private and public agencies, groups, and individuals have a single resource center that will respond to reports of missing children by authorizing various methods to locate a child and collaborate with appropriate State, federal, and local authorities to return

located children to parents, guardians, and legal custodians; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 143B is amended by adding a new Part to Article 11 to read:

"Part 5A.
"North Carolina Center for Missing Children.

"§ 143B-495. *North Carolina Center for Missing Children.*—There is established within the Department of Crime Control and Public Safety the North Carolina Center for Missing Children, which shall be organized and staffed in accordance with applicable laws. The Center shall:

(1) Assist law enforcement in responding to reports of missing children and work with other State agencies to make State resources available;

(2) Gather and distribute information and data on missing children;

(3) Encourage research and study on missing children and on prevention of child abduction and the prevention of the exploitation of missing children;

(4) Serve as a statewide resource center to assist local communities in programs and initiatives to prevent child abduction and the exploitation of missing children;

(5) Continue increasing public awareness of the reasons why children are missing and the vulnerability of missing children;

(6) Achieve maximum cooperation with other agencies of the State, with agencies of other states and the federal government and with the National Center for Missing and Exploited Children in rendering assistance to missing children and their parents, guardians, and legal custodians; and cooperate with interstate and federal efforts to identify deceased children;

(7) Forward the appropriate information to the Police Information Network to assist it in maintaining and publishing a directory of currently missing children. The Police Information Network shall issue all information on missing children to appropriate law enforcement agencies throughout the State and to the Center. The information shall include information on children who have been found;

(8) Maintain a directory of existing public and private agencies, groups, and individuals that provide effective assistance to families in the areas of prevention of child abduction, location of missing children, and follow-up services to the child and family, as determined by the Secretary of Crime Control and Public Safety;

(9) Annually compile and publish reports on the actual number of children missing each year, listing the categories and causes, when known, for the disappearances;

(10) Provide follow-up referrals for services to missing children and their families;

(11) Maintain a toll-free 1-800 telephone service that will be in service at all times; and

(12) Perform such other activities that the Secretary of Crime Control and Public Safety considers necessary to carry out the intent of its mandate.

In carrying out its mandate the Center established by this section shall take into consideration the information, publications, and recommendations of the North Carolina Missing Children's Information Center established by 1984 Executive Order No. 112, effective October 25, 1984.

The Secretary of Crime Control and Public Safety shall adopt rules necessary to enable the North Carolina Center for Missing Children to carry out its mandate."

Sec. 2. Funds for the North Carolina Center for Missing Children established by Section 1 of this act shall be allocated from the current budget of Department of Crime Control and Public Safety.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

S.B. 216 **CHAPTER 766**

AN ACT TO PROVIDE THAT FUNDS FROM SPECIAL PERSONALIZED REGISTRATION PLATES BE USED TO PROMOTE TRAVEL ACCESSIBILITY FOR THE DISABLED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-81.3(c) is rewritten to read:

"(c) The revenue derived from the additional fee for the special personalized registration plates shall be placed in a separate fund designated the 'Personalized Registration Plate Fund'. After deducting the cost of the plates, plus budgetary requirements for handling and issuance to be determined by the Commissioner, any remaining moneys derived from the additional fee for such plates shall be transferred quarterly:

(1) Thirty-three percent (33%) to the account of the Department of Commerce to aid in financing out-of-state advertising under the program for the promotion of travel and industrial development in this State.

(2) Fifty percent (50%) to the Department of Transportation to be used solely for the purpose of beautification of highways other than those designated as interstate. These funds shall be administered by the Department of Transportation for beautification purposes not inconsistent with good landscaping and engineering principles.

(3) Eight and one-half percent (8.5%) to the account of the Department of Human Resources to promote travel accessibility for disabled persons in this State. These funds shall be used to collect and update site information on travel attractions designated by the Department of Commerce in their publications; to provide technical assistance to travel attractions concerning accommodation of disabled tourists; to develop a 'print-ready' access guide; and to promote this publication *Access, North*

Carolina among agencies, associations, and groups having special interests in disabled persons.

(4) Eight and one-half percent (8.5%) to the account of the Department of Commerce to promote travel accessibility for disabled persons in this State. These funds shall be used to print the access guide developed by the Department of Human Resources. The Department of Commerce shall distribute *Access, North Carolina* through their normal distribution channels; promote *Access, North Carolina* in Department of Commerce publications (including providing a toll-free telephone and address for requesting copies of publication); and provide technical assistance to the Department of Human Resources on travel attractions to be included in, and the format to be used by *Access, North Carolina.*

(5) The amount of moneys transferred pursuant to subsections (3) and (4) of this section shall not exceed one hundred thousand dollars ($100,000) annually."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

S.B. 612 **CHAPTER 767**

AN ACT TO PERMIT THE COMMISSIONER OF MOTOR VEHICLES TO ISSUE FICTITIOUS LICENSES AND REGISTRATION PLATES TO LOCAL LAW ENFORCEMENT OFFICERS UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-39 is amended by adding a new subsection to read:

"(h) The Commissioner, notwithstanding any other provision of this Chapter, may lawfully and to the extent necessary, provide local law enforcement officers on special undercover assignments with motor vehicle operator's licenses and motor vehicle registration plates under assumed names using false or fictitious addresses. Such registration plates shall only be used on publicly owned vehicles. Requests for these licenses and registration plates shall be made to the Commissioner by the head of the local law enforcement agency and approved in writing by the Director of the State Bureau of Investigation upon a specific finding by the Director that the request is justified and necessary. The Director shall keep a record of all such licenses, registration plates, assumed names, false or fictitious addresses, and law enforcement officers using the licenses or registration plates, and shall request the immediate return of any license or registration plate that is no longer necessary. Licenses and registration plates provided under this subsection shall expire six months after initial issuance or subsequent validation after the request for extension has been approved in writing by the Director of the State Bureau of Investigation. The head of the local law enforcement agency shall be responsible for the use of the licenses and registration plates and shall return them immediately to the Commissioner for cancellation upon either (i) their

expiration, (ii) request of the Director of the State Bureau of Investigation, or (iii) request of the Commissioner. Failure to return a license or registration plates issued pursuant to this subsection shall be punished as a general misdemeanor."

Sec. 2. At no time shall the number of valid licenses and registration plates issued under this act exceed one hundred, and those issued shall be strictly monitored by the Director.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

S.B. 711 **CHAPTER 768**

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR ELECTION OF STATEWIDE OFFICIALS IN THE FALL OF THE ODD-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

Section 1. Section 8 of Article II of the North Carolina Constitution is amended by deleting "1972 and every two years thereafter", and substituting "1986, and in 1989 and every two years thereafter".

Sec. 2. Section 2(1) of Article III of the Constitution of North Carolina is amended by deleting "1972 and every four years thereafter", and substituting "1988, and in 1993 and every four years thereafter".

Sec. 3. Section 2(1) of Article III of the Constitution of North Carolina is further amended by adding the following immediately before the period at the end, ", except that the term of office of those elected in 1988 shall be for five years".

Sec. 4. Section 7(1) of Article III of the Constitution of North Carolina is amended by deleting "1972 and every four years thereafter", and substituting "1988, and in 1993 and every four years thereafter".

Sec. 5. Section 7(1) of Article III of the Constitution of North Carolina is further amended by adding the following immediately before the period at the end, ", except that the term of office of those elected in 1988 shall be for five years".

Sec. 6. Section 16 of Article IV of the Constitution of North Carolina is amended by adding the following immediately before the period at the end of the first sentence: ", except that those elected in 1982, 1984, 1986 and 1988 shall hold office for terms of nine years".

Sec. 7. Section 18(1) of Article IV of the Constitution of North Carolina is amended by adding the following at the end of the first sentence immediately before the period: ", except that those elected in 1986 and 1988 shall serve for a term of five years".

Sec. 8. Section 10 of Article IV of the Constitution of North Carolina is amended by adding the following immediately before the period at the end of the second sentence: ", except that those elected in 1986 and 1988 shall serve for a term of five years".

Sec. 9. Section 9(3) of Article IV of the Constitution of North Carolina is amended by adding the following immediately before the

period at the end of the first sentence: ", except that those elected in 1986 and 1988 shall serve for a term of five years".

Sec. 9.1. The Constitution of North Carolina is amended as follows:

(1) Section 2(1) and Section 7(1) of Article III and Section 9(3) and Section 18(1) of Article IV, are each amended by adding the following immediately before the period at the end of the first sentence ", except in 1988 at the same time and places as members of the United States House of Representatives are elected";

(2) Section 2 of Article VII is amended by inserting immediately after the words "General Assembly are elected", the words ", except in 1988 at the same time and places as members of the United States House of Representatives are elected,".

Sec. 10. Section 2 of Article VII of the Constitution of North Carolina is amended by adding the following immediately before the period at the end: ", except that those elected in 1986 or 1988 shall serve for terms of five years".

Sec. 11. Sections 2 and 4 of Article II of the Constitution of North Carolina are amended by adding at the end of each the words, "Except that there shall be no election in 1988, and elections shall be conducted in 1989 and biennially thereafter".

Sec. 12. Section 11(1) of Article II of the Constitution of North Carolina is amended by deleting "1973 and every two years thereafter", and substituting "1987, and in 1990 and every two years thereafter".

Sec. 13. The amendments set out in Sections 1 through 12 of this act shall be submitted to the qualified voters of the State at the primary election to be held in May 1986. The election shall be held and conducted under the laws then governing general elections in this State.

Sec. 14. At the primary election, each qualified voter presenting himself to vote shall be provided a ballot on which shall be printed the following:

"☐ FOR constitutional amendments providing for election of State and county officers in odd-numbered years.

☐ AGAINST constitutional amendments providing for election of State and county officers in odd-numbered years."

Sec. 15. If a majority of the votes cast are in favor of the amendments set out in Sections 1 through 12 of this act, then the amendments shall be certified by the State Board of Elections to the Secretary of State, who shall enroll the amendments among the permanent records of his office, and the amendments shall become effective upon certification.

Sec. 16. The table in G.S. 163-1 is amended by deleting "1968" in the column "DATE OF ELECTION", beginning with the entry "Governor" and ending "All other State officers whose terms are not specified by law", and substituting "1993".

Sec. 17. The table in G.S. 163-1 is amended by deleting "1968" in the column "DATE OF ELECTION", beginning with the entry "State Senator", and ending at the end of the table, and substituting "1989", except that the entries under the columns "members of House of

Representatives of the Congress of the United States" and "United States Senators" are not changed.

Sec. 17.1. The table in G.S. 163-1 for the Offices of Justices and Judges of Appellate Division, judges of the superior courts, judges of the district courts, District Attorney, clerk of superior court, and sheriff is amended in the column "DATE OF ELECTION" by deleting "At", and substituting "In 1988 at the regular election for members of the United States House of Representatives if that is the election immediately preceding the termination of each regular term, and at".

Sec. 18. G.S. 163-12 is amended by deleting "General Assembly", and substituting "United States House of Representatives".

Sec. 19. G.S. 163-278.41(a) is amended by deleting "presidential", and "Presidential", and substituting "gubernatorial", and "Gubernatorial" each time those words appear.

Sec. 20. G.S. 163-278.41(c) is amended by deleting "In each year in which no general election is held", and substituting "In 1990 and biennially thereafter".

Sec. 21. G.S. 163-278.41(b) is amended by deleting "in a general election year in which there is not a presidential election", and substituting "In 1989 and in 1991 and quadrennially thereafter".

Sec. 22. G.S. 163-278.42(a) is amended by deleting "presidential", and substituting "presidential or gubernatorial".

Sec. 23. G.S. 163-278.42(b) is amended by deleting "In a general election year in which there is not a presidential election", and substituting "In years other than the years covered by subsection (a) of this section".

Sec. 24. G.S. 163-279(a)(2) is rewritten to read: "If the election is partisan, the election shall be held on Tuesday after the first Monday in November, the first primary shall be held on the date provided for the primary in G.S. 163-1, and the second primary shall be held on the date prescribed by G.S. 163-111."

Sec. 25. G.S. 163-279(a)(3) is rewritten to read: "If the election is nonpartisan and the nonpartisan primary method is used, the election shall be held on Tuesday after the first Monday in November and the nonpartisan primary shall be held on the date of the primary election provided by G.S. 163-1."

Sec. 26. G.S. 163-279(a)(4) is rewritten to read: "If the election is nonpartisan and the election and runoff election method of election is used, the election shall be held on the date for the primary under G.S. 163-1, and the runoff election shall be held on the date of the second primary under G.S. 163-111."

Sec. 27. G.S. 163-280 is repealed.

Sec. 28. G.S. 163-281 is repealed.

Sec. 29. G.S. 163-284(a) is amended by deleting "No later than 30 days after January 1, 1973, every municipality which conducts its election on a partisan basis", and substituting "No later than January 1, 1989, every municipality".

Sec. 30. G.S. 163-285 is repealed.

Sec. 31. G.S. 163-286(b) is repealed.

Sec. 32. The first sentence of G.S. 163-287 is rewritten to read: "Any city or any special district shall have authority to call special elections as permitted by law."

Sec. 33. G.S. 163-288 is rewritten to read:

"§ 163-288. *Registration for city elections.*—The registration records of the county board of elections shall be the official registration record for voters to vote in all elections, city, district, county, State or national."

Sec. 34. G.S. 163-288.1 is amended by deleting "or municipal".

Sec. 35. G.S. 163-289(c) is repealed.

Sec. 36. The first sentence of G.S. 163-291(2) is rewritten to read:

"(2) A candidate seeking party nomination for municipal or district office shall file his notice of candidacy during the same period provided for county officers under G.S. 163-106."

Sec. 37. The first paragraph of G.S. 163-294.2(c), as rewritten by Section 1 of Chapter 599, Session Laws of 1985, is rewritten to read:

"Candidates seeking municipal office shall file their notices of candidacy with the board of elections as follows:

(1) In those municipalities which conduct partisan primaries and elections, candidates shall file in accordance with G.S. 163-291(2).

(2) In those municipalities which conduct plurality elections in accordance with provisions in G.S. 163-292, candidates may file their notices of candidacy with the board of elections at any time after 12:00 noon on the fifteenth Friday and before 12:00 noon on the twelfth Friday preceding the election.

(3) In those municipalities which conduct an election and runoff method in accordance with provisions in G.S. 163-293, and in those municipalities which conduct a nonpartisan primary and election method in accordance with provisions of G.S. 163-294, candidates may file their notice of candidacy during the same period provided for county officers under G.S. 163-106."

Sec. 38. G.S. 163-296 is amended by deleting "seventh", and substituting "twelfth".

Sec. 39. The first sentence of G.S. 163-298 is repealed.

Sec. 40. G.S. 163-299(c) is amended by deleting "60", and substituting "90".

Sec. 41. G.S. 163-299(g) is amended by deleting "or municipal".

Sec. 42. G.S. 163-301 is amended by deleting "or municipal".

Sec. 43. G.S. 163-302 is rewritten to read:

"§ 163-302. *Absentee voting.*—Absentee voting is permitted in municipal elections as provided by Articles 20 and 21 of this Chapter."

Sec. 44. G.S. 163-304 is amended by deleting "and municipal", and by deleting "municipal boards", and substituting "county boards".

Sec. 45. The term of any elected officer whose office is established by statute, whether public or local, whose term was to expire in 1988 is extended to expire on the same date in 1989. The term of any elected officer whose office is established by statute, whether public or local, whose term was to expire in 1990 is extended to expire on the same date in 1991. The term of any elected officer whose office is established by statute, whether public or local, whose term was to expire in 1992 is extended to expire on the same date in 1993.

Sec. 46. Sections 16 through 45 of this act shall become effective only if the constitutional amendments proposed by this act are approved by the qualified voters. If they are so approved, Sections 17, 17.1, and 18 of this act shall become effective January 1, 1987; Section 45 of this act shall become effective January 1, 1988, and Section 16 and Sections 19 through 44 of this act shall become effective January 1, 1989.

Sec. 47. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.

S.B. 50 **CHAPTER 769**

AN ACT TO MODIFY SPECIAL BUDGETARY PROVISIONS CONTAINED IN CHAPTER 1034 OF THE 1983 SESSION LAWS WHICH RELATE TO INTEREST INCOME ON N.C. HOUSING FINANCE AGENCY BOND RESERVE APPROPRIATIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 133, Chapter 1034, 1983 Session Laws, is rewritten to read:

"Sec. 133. Of the funds appropriated to the Office of the Governor in Section 2 of Chapter 971, Session Laws of 1983, the sum of one million five hundred thousand dollars ($1,500,000) shall be placed in a general debt service reserve to support the issuance of additional bonds by the Housing Finance Agency, the sum of two million dollars ($2,000,000) shall be placed in the multi-family rental assistance fund, and the sum of five hundred thousand dollars ($500,000) shall be placed in the single-family home ownership fund. Interest earned on the two million dollars ($2,000,000) placed in the multi-family rental assistance fund and interest on the five hundred thousand dollars ($500,000) placed in the single-family home ownership fund shall not be used by the Housing Finance Agency for administrative purposes without the prior approval of the General Assembly; provided, however, that the Housing Finance Agency may, in the discretion of its Board of Directors, use investment income earned by the multi-family rental assistance fund and the single-family home ownership fund for any of the purposes for which monies appropriated to such respective funds may be used. Interest earned on the one million five hundred thousand dollars ($1,500,000) placed in a general debt service reserve to support the issuance of bonds by the Housing Finance Agency may be used by the Agency for any of the purposes for which monies appropriated to such respective fund may be used and may also be used for any purpose authorized by the Housing Finance Agency Board of Directors pursuant to Chapter 122A of the General Statutes, including, without limitation, any purpose authorized by a resolution or trust agreement authorizing bonds of the Housing Finance Agency secured, in whole or in part, by such funds."

Sec. 2. G.S. 122A-8 is amended by deleting the language "eight-hundred fifty million dollars ($850,000,000)" wherever it appears and substituting "one billion five-hundred million dollars ($1,500,000,000)".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of July, 1985.

H.B. 1101 **CHAPTER 770**

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives; and

Whereas, the Speaker of the House of Representatives has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Joe H. Palmer of Haywood County is appointed to the Board of Transportation for a term to expire on June 30, 1987.

Sec. 2. Edwin E. Rankin of McDowell County and Douglas Copeland of Guilford County are appointed to the Board of Public Telecommunications Commissioners for terms to expire on June 30, 1987.

Sec. 3. Wiley P. Wooten of Alamance County is appointed to the State Fire Commission for a term to expire on September 30, 1985, and for a term to begin October 1, 1985, and expire on September 30, 1987.

Sec. 4. Theo H. Pitt, Jr., of Nash County is appointed to the Board of Trustees Teachers' and State Employees' Retirement System for a term to expire on June 30, 1987.

Sec. 5. J. Thomas Sutton of Lenoir County is appointed to the Public Officers and Employees Liability Insurance Commission for a term to expire on June 30, 1987.

Sec. 6. Sankey Wright Robinson of Columbus County is appointed to the North Carolina Criminal Justice Education and Training Standards Commission for a term to expire on June 30, 1987.

Sec. 7. Stanley Chris Payne of Dare County is appointed to the North Carolina Seafood Industrial Park Authority for a term to expire on June 30, 1987.

Sec. 8. Charlie Carpenter of Harnett County is appointed to the North Carolina Board of Science and Technology for a term to expire on June 30, 1987.

Sec. 9. Clifton H. Moore of Currituck County is appointed to the State Farm Operations Commission for a term to expire on June 30, 1987.

Sec. 10. William E. Holman of Wake County is appointed to the Governor's Waste Management Board for a term to expire on June 30, 1987.

Sec. 11. Clarence E. Leatherman of Lincoln County is appointed to the Property Tax Commission for a term to expire on June 30, 1987.

Sec. 12. Donald Allen Thompson of Montgomery County is appointed to the Wildlife Resources Commission for a term to expire June 30, 1987.

Sec. 13. Douglas C. Forrest of Jackson County is appointed to the Committee on Art in State Buildings for a term to expire on June 30, 1987.

Sec. 14. Charles E. Hubbard of Person County and Jimmy L. Moore of Jackson County are appointed to the North Carolina Capital Building Authority for terms to expire on June 30, 1987.

Sec. 15. Dr. G. Kenneth Miller of Rockingham County is appointed to the State Board of Chiropractic Examiners for a term to expire on June 30, 1987.

Sec. 16. E. Y. Ponder of Madison County is appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term to begin on September 1, 1985, and to expire on August 31, 1987.

Sec. 17. Mariam Cannon Hayes of Cabarrus County is appointed to the Board of Trustees of the North Carolina Museum of Art for a term to expire on June 30, 1987.

Sec. 18. Charles Pinkney Francis of Haywood County and Dr. Garrett A. Smathers of Haywood County are appointed to the Environmental Management Commission for terms to expire on June 30, 1987.

Sec. 19. John W. Dalrymple of Wake County is appointed to the Governor's Advocacy Council for Persons with Disabilities for a term to expire on June 30, 1987.

Sec. 20. Theo H. Pitt, Jr., of Nash County is appointed to the Board of Trustees of the Law Enforcement Officers' Retirement System for a term to expire on June 30, 1987.

Sec. 21. Ben W. Aiken of Wake County and Reverend J. Murphy Smith of Craven County are appointed to the Commission for Mental Health, Mental Retardation, and Substance Abuse Services for terms to expire on June 30, 1987.

Sec. 22. Arnold Locklear of Robeson County is appointed to the Commission of Indian Affairs for a term to expire on June 30, 1987.

Sec. 23. Adam Bartlett, Jr., of Buncombe County is appointed to the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan for a term to expire on June 30, 1987.

Sec. 24. Russell E. Davenport of Cumberland County is appointed to the North Carolina Milk Commission for a term to expire on June 30, 1987. This is the categorical appointment for a processor-distributor.

Sec. 25. Mack Reid Hudson of Harnett County is appointed to the North Carolina Agriculture Facilities Finance Agency for a term to expire June 30, 1987.

Sec. 26. Frank B. Holding of Johnston County and Sneed High of Cumberland County are appointed to the North Carolina State Ports Authority for terms to expire on June 30, 1987.

Sec. 27. Mickey Hanula of Wake County is appointed to the North Carolina Housing Commission for a term to expire on June 30, 1988.

Sec. 28. Michael E. Ferguson of Haywood County is appointed to the Board of Directors of the North Carolina Housing Finance Agency for a term to expire on June 30, 1987. This is the categorical appointment for a licensed realtor representative. Jimmy L. Moore of Jackson County and Hilliard Caldwell of Orange County are each appointed to the Board of Directors of the North Carolina Housing Finance Agency for terms to expire on June 30, 1987. These are the two appointments without statutory requirement for special qualifications. William W. Whittington of Lenoir

County is appointed to the Board of Directors of the North Carolina Housing Finance Agency for a term to expire on June 30, 1987. This is the categorical appointment for a mortgage servicing representative.

Sec. 29. John T. King of Cabarrus County and Sam L. Beam of Gaston County are appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for terms expiring on June 30, 1987.

Sec. 30. Douglas Goines of Carteret County is appointed to the North Carolina Manufactured Housing Board for a term to expire on September 30, 1987. This is a categorical appointment for a representative of the insurance industry. Ken Johnson of Mecklenburg County is appointed to the North Carolina Manufactured Housing Board for a term to expire on September 30, 1987. This is a categorical appointment for a representative of the banking and finance industry.

Sec. 31. Paul Davis of Moore County is appointed to the Private Protective Services Board for a term to expire on June 30, 1988.

Sec. 32. David Wyatt of Madison County is appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for a term to expire on June 30, 1987. James H. Randolph, III, of Harnett County is appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for a term to expire on June 30, 1987.

Sec. 33. Roger W. Bone of Nash County is appointed to the Board of Trustees of The University of North Carolina Center for Public Television for a term to expire on June 30, 1987.

Sec. 34. Dr. H. F. Robinson of Jackson County and Charles C. McConnell, Jr., of Haywood County are appointed to the Board of Trustees of the North Carolina Center for the Advancement of Teaching for terms to expire on June 30, 1989.

Sec. 35. Betsy H. Johnson of Wayne County and Mary M. Holroyd of Wake County are appointed to the Child Day Care Commission for terms expiring June 30, 1986. These are the two appointments who are not employed in or providing day care and who have no financial interest in day care. Lois Queen of Haywood County is appointed to the Child Day Care Commission for a term to expire on June 30, 1987. This appointment is the one affiliated with a nonprofit day care facility or plan. Bob Eagle of Mecklenburg County is appointed to the Child Day Care Commission for a term to expire on June 30, 1987. This appointment is the one affiliated with a for profit day care facility or plan.

Sec. 36. Robert Wall of Cabarrus County is appointed to the North Carolina Medical Database Commission for a term to expire on June 30, 1988. This is the categorical appointment for an employer from a business with 200 or more employees. Dr. Philip L. Martin of Wake County is appointed to the North Carolina Medical Database Commission for a term to expire on June 30, 1987. This is the physician categorical appointment. Walter B. Clark of Cumberland County is appointed to the North Carolina Medical Database Commission for a term to expire on June 30, 1987. This is the categorical appointment for a representative of a commercial insurance company providing health insurance in North Carolina.

Sec. 37. John Ed Davenport of Nash County, George A. Hux of Halifax County, Catharine Biggs Arrowood of Wake County and John S.

Stevens of Buncombe County are appointed to the Administrative Rules Review Commission for terms expiring June 30, 1987.

Sec. 38. Unless otherwise specified, all appointments made by this act are for terms to begin upon ratification of this act.

Sec. 39. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of July, 1985.

H.B. 1423 CHAPTER 771

AN ACT TO MAKE A TECHNICAL CORRECTION IN THE MENTAL HEALTH LAW RECODIFICATION.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of the second paragraph of G.S. 122C-2, as enacted by Chapter 589, Session Laws of 1985 is amended by deleting "and to local", and substituting "and local".

Sec. 2. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 16th day of July, 1985.

H.B. 911 CHAPTER 772

AN ACT PROHIBITING THE COPYING OF BOAT HULLS BY THE DIRECT MOLDING PROCESS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 75A of the General Statutes is amended by adding a new Article to read:

"Article 3.
"Boat
Hull Anti-Copying Act.

"§ 75A-27. *Short title.*—This Article shall be known as the Boat Hull Anti-Copying Act.

"§ 75A-28. *Definitions.*—As used in this Article, unless the context requires a different meaning:

(1) 'Direct molding process' means any process by which a boat hull or component is used as a plug for the making of a mold from which a duplicate of the boat hull or component is made.

(2) 'Mold' means any pattern, hollow form, matrix or other device for giving shape or form to material in a plastic or molten state for the making of a boat hull or component.

(3) 'Plug' means a boat hull or component used to make a mold.

"§ 75A-29. *Unfair competition.*—It is an act of unfair competition as defined in G.S. 75-1.1(a), if within 10 years of the first production of a boat hull or component, to misappropriate the design of a boat hull or component for commercial purposes in making a boat hull or component by copying by use of the direct molding process without the owner's prior written consent.

"§ 75A-30. *Prohibited activities.*—The following are prohibited:

(1) Any activities violating G.S. 75A-29.

(2) Sale in this State of a boat hull that was made with knowledge that the boat was produced in violation of that section.

"§ 75A-31. *Remedies.*—(a) Any person injured in his business by virtue of any violation of G.S. 75A-30 may sue and may recover the actual damages suffered by virtue of the violation, the costs of suit, and reasonable attorney's fees.

(b) Any person injured in his business by virtue of any violation of G.S. 75A-30 may sue for injunctive relief and injunctive relief may be granted regardless of the failure of the plaintiff to show irreparable injury."

Sec. 2. This act shall become effective October 1, 1985, and shall apply to items duplicated using a mold made on or after that date.

In the General Assembly read three times and ratified, this the 16th day of July, 1985.

H.B. 1310 **CHAPTER 773**

AN ACT TO VALIDATE APPOINTMENTS TO BOARDS OF TRUSTEES OF COMMUNITY COLLEGES AND TECHNICAL INSTITUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-16 is amended by adding a new sentence to read:

"Appointments made on or before July 1, 1985, by boards of county commissioners or local boards of education of their own members as trustees are hereby validated, ratified, and confirmed."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of July, 1985.

S.B. 647 **CHAPTER 774**

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT OF THE SENATE.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President of the Senate; and

Whereas, the President of the Senate has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Mark E. Tipton of Pitt County is appointed to the Board of Directors of the North Carolina Housing Finance Agency for a term to expire June 30, 1989, in the category of experienced in home building. William G. White, Jr., of Forsyth County is appointed to the Board of Directors of the North Carolina Housing Finance Agency for a term to expire June 30, 1987, in the category of experienced with a savings and loan institution. George E. Carr, Jr., of Guilford County and William A.

Jenkins of Wake County are appointed to the Board of Directors of the North Carolina Housing Finance Agency for terms to expire June 30, 1987.

Sec. 2. Nancy Crutchfield of Mecklenburg County is appointed to the Board of Trustees of the North Carolina Museum of Art for a term to expire on June 30, 1987.

Sec. 3. Marsha A. Van Hecke of Guilford County is appointed to the Board of Trustees of The University of North Carolina Center for Public Television for a term to expire on June 30, 1987.

Sec. 4. Maxine O'Kelly of Alamance County and Carlos N. Young of Cleveland County are appointed to the Commission for Mental Health, Mental Retardation and Substance Abuse Services for terms to expire on June 30, 1987.

Sec. 5. Victor E. Bell III of Wake County is appointed to the Board of Trustees Teachers' and State Employees' Retirement System for a term to expire on June 30, 1987.

Sec. 6. Conley Mangum of Durham County is appointed to the State Farm Operations Commission for a term to expire on June 30, 1987.

Sec. 7. Dr. Richard W. Adams of Iredell County is appointed to the Wildlife Resources Commission for a term to expire on June 30, 1987.

Sec. 8. William F. Troxler of Wake County is appointed to the North Carolina Board of Science and Technology for a term to expire on June 30, 1987.

Sec. 9. James R. Lowery of Polk County is appointed to the Commission of Indian Affairs for a term to expire on June 30, 1987.

Sec. 10. James B. Ollis of Scotland County and Lynwood Smith of Guilford County are appointed to the North Carolina State Ports Authority for terms to expire on June 30, 1987.

Sec. 11. James B. Garrison of Stanly County is appointed to the Board of Transportation for a term to expire on June 30, 1987.

Sec. 12. A. R. "Tony" Combs of Mecklenburg County and Larry Fitzpatrick of Onslow County are appointed to the Environmental Management Commission for terms to expire on June 30, 1987.

Sec. 13. Gerald Wain Gaskill of Carteret County is appointed to the Seafood Industrial Park Authority for a term to expire on June 30, 1987.

Sec. 14. Jim Capers of Onslow County and Ray Pennington of Robeson County are appointed to the Board of Public Telecommunications Commissioners for terms to expire on June 30, 1987.

Sec. 15. Carroll Hemphill of McDowell County is appointed to the State Fire Commission for a term to expire on September 30, 1985, and for a term to begin on October 1, 1985, and to expire on September 30, 1987.

Sec. 16. William L. Lewis of Lee County is appointed to the Governor's Waste Management Board for a term to expire on June 30, 1987.

Sec. 17. Tom Bradshaw of Pender County is appointed to the Board of Trustees of the Law Enforcement Officers' Retirement System for a term to expire on June 30, 1987.

Sec. 18. Isaac Heard, Jr., of Mecklenburg County and LaDane W. Bullington of Brunswick County are appointed to the Capital Building Authority for terms to expire on June 30, 1987.

Sec. 19. Douglas Parsons of Sampson County is appointed to the North Carolina Criminal Justice Education and Training Standards Commission for a term to expire on June 30, 1987.

Sec. 20. Sarah Hodgkins of Moore County is appointed to the Committee on Art in State Buildings for a term to expire on June 30, 1987.

Sec. 21. Dewitt Sullivan of Durham County and Lynn Gunn of Wake County are appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for terms to expire on June 30, 1987.

Sec. 22. Paul R. McCrary of Davidson County is appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term beginning September 1, 1985, and expiring August 31, 1987.

Sec. 23. Bob Jones of Lenoir County is appointed to the North Carolina Housing Commission for a term to expire on June 30, 1988.

Sec. 24. Mitch Gurganus of Beaufort County is appointed to the North Carolina Agricultural Facilities Finance Agency for a term to expire on June 30, 1987.

Sec. 25. Caroline M. Livermore of Robeson County is appointed to the Governor's Advocacy Council for Persons with Disabilities for a term to expire on June 30, 1987.

Sec. 26. Ronald Saucier of New Hanover County is appointed to the Child Day Care Commission for a term to expire on June 30, 1986. This appointment is the one affiliated with a for-profit day care center or plan. Dorothy C. Scoggins of Mecklenburg County is appointed to the Child Day Care Commission for a term to expire on June 30, 1986. This appointment is the one affiliated with a nonprofit day care facility or plan. Carol Spruill of Wake County is appointed to the Child Day Care Commission for a term to expire on June 30, 1987. This appointment is for a member of the public who is not employed in or providing day care and who has no financial interest in a day care facility or plan, and who is the parent of a child receiving day care services. Lucy H. Bode of Wake County is appointed to the Child Day Care Commission for a term to expire on June 30, 1987. This appointment is for a member of the public who is not employed in or providing day care and who has no financial interest in a day care facility or plan.

Sec. 27. Marvin Ward of Forsyth County is appointed to the Education Commission of the States as a representative of the Senate in accordance with Article III (1) of the Compact for Education, G.S. 115C-104, for a term to expire June 30, 1987.

Sec. 28. Robert L. Edwards of Madison County and Sarah E. Himan of Buncombe County are appointed to the Board of Trustees of the North Carolina Center for the Advancement of Teaching for terms to expire on June 30, 1989.

Sec. 29. Ruth Watkins of Richmond County is appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for a term to expire on June 30, 1989. Thomas E. Norman of Mecklenburg County is appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for a term to expire on June 30, 1987.

Sec. 29.1. Effective on the effective date of Sections 5 and 6 of House Bill 52, Chapter 746, Session Laws of 1985, M. Jackson Nichols of Wake County, Ken Patterson of Pasquotank County, William C. Crawford of Montgomery County, and Beryl Wade of Cumberland County, are appointed to the Administrative Rules Review Commission for terms to expire on June 30, 1987.

Sec. 30. John W. Winters, Sr., of Wake County is appointed to the North Carolina Medical Database Commission for a term to expire on June 30, 1987. This is the categorical appointment for an employer from a business with less than 200 employees. James L. Muse of Montgomery County is appointed to the North Carolina Medical Database Commission for a term to expire on June 30, 1988. This is the categorical appointment for a hospital administrator. Sandra Greene of Orange County is appointed to the North Carolina Medical Database Commission for a term to expire on June 30, 1986. This is the categorical appointment for a representative of Blue Cross and Blue Shield. Duncan Yaggy of Durham County is appointed to the North Carolina Medical Database Commission for a term to expire on June 30, 1986. This is the categorical appointment for a health care provider.

Sec. 31. Unless otherwise specified, all appointments made by this act are for terms to begin upon ratification of this act.

Sec. 32. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of July, 1985.

H.B. 348 CHAPTER 775

AN ACT REGARDING THE IDENTIFICATION AND LABELLING OF TOXIC AND HAZARDOUS SUBSTANCES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 95 of the General Statutes is amended by adding a new Article to read:

"Article 18.
Identification of Toxic or Hazardous Substances.
"Part 1. General Provisions.

"§ 95-173. *Short title.*—This Article shall be cited as the Hazardous Chemicals Right to Know Act.

"§ 95-174. *Definitions.*—(a) 'Chemical manufacturer' shall mean a manufacturing facility classified in Standard Industrial Classification (SIC) Codes 20 through 39 where chemicals are produced for use or distribution in North Carolina.

(b) 'Chemical name' shall mean the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC), or the Chemical Abstracts Service (CAS) rules of nomenclature or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

(c) 'Common name' shall mean any designation or identification such as a code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

(d) 'Distributor' shall mean any business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to purchasers.

(e) 'Employee' shall mean any person who is employed by an employer under normal operating conditions.

(f) 'Employer' means a person engaged in business who has employees, including the State and its political subdivisions but excluding an individual whose only employees are domestic workers or casual laborers who are hired to work at the individual's residence.

(g) 'Facility' shall mean one or more establishments, factories, or buildings located at one contiguous site in North Carolina.

(h) 'Fire Chief' shall mean Fire Chief or Fire Marshall, or Emergency Response Coordinator in the absence of a Fire Chief or Fire Marshall for the appropriate local fire department.

(i) 'Fire Company' shall mean the company or firehouse or other administrative unit within the Fire Department located closest to the facility.

(j) 'Fire Department' shall mean the fire department having jurisdiction over the facility.

(k) 'Hazardous chemical' shall mean any element, chemical compound or mixture of elements and/or compounds which is a physical hazard or health hazard as defined in subsection (c) of the NCOSHA Standard or a hazardous substance as defined in subsection (d) (3) of the NCOSHA Standard.

(l) 'Hazardous Substance List' shall mean the list required by G.S. 95-191.

(m) 'Hazardous substance trade secret' means any formula, plan, pattern, device, process, production information, or compilation of information, which is not patented, which is known only to the employer, the employer's licensees, the employer's employees, and certain other individuals, and which is used or developed for use in the employer's business, and which gives the employer possessing it the opportunity to obtain a competitive advantage over businesses who do not possess it, or the secrecy of which is certified by an appropriate official of the federal government as necessary for national defense purposes. The chemical name and Chemical Abstracts Service number of a substance shall be considered a trade secret only if the employer can establish that the identity or composition of the substance cannot be readily ascertained without undue expense by analytical techniques, laboratory procedures, or other lawful means available to a competitor.

(n) 'Label' shall mean any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

(o) 'Manufacturing facility' shall mean a facility classified in SIC Codes 20 through 39 which manufactures or uses a hazardous chemical or chemicals in North Carolina.

(p) 'Material Safety Data Sheets' or 'MSDS' mean chemical information sheets drawn up in conformity to standards for material

safety data sheets in 13 North Carolina Administrative Code 7C .0101(a)(99) (hereinafter designated as 13 N.C.A.C. 7C .0101(a)(99).

(q) 'Nonmanufacturing facility' shall mean any facility in North Carolina other than a facility in SIC Code 20 through 39, the State of North Carolina (and its political subdivisions) and volunteer emergency service organizations whose members may be exposed to chemical hazards during emergency situations.

(r) 'NCOSHA Standard' shall mean the currently adopted Hazard Communication Standard adopted by the Occupational Safety and Health Division of North Carolina Department of Labor in 13 North Carolina Administrative Code 7C .0101(a)(99) and in effect on April 24, 1985.

(s) 'Storage and Container' shall have the ordinary meaning however it does not include pipes used in the transfer of substances or the fuel tanks of self propelled internal combustion vehicles.

§ 95-175 to 95-190: Reserved for future codification purposes.

"Part 2.

"Public Safety and Emergency Response Right to Know.

"§ 95-191. *Hazardous Substance List.*—(a) All employers who manufacture, process, use, store, or produce hazardous chemicals, shall compile and maintain a Hazardous Substance List which shall contain the following information for each hazardous chemical normally used or stored in the facility in quantities of 55 gallons or 500 pounds, whichever is greater:

(1) The chemical name or the common name used on the MSDS or container label;

(2) The approximate range of quantity of the chemical usually stored at the facility, using the following ranges:

Class A, which shall include quantities of less than 55 gallons or 500 pounds;

Class B, which shall include quantities of between 55 gallons to 550 gallons, and quantities of between 500 pounds and 5,000 pounds; and

Class C, which shall include quantities of between 550 gallons and 5500 gallons, and quantities between 5,000 pounds and 50,000 pounds; and

Class D, which shall include quantities of greater than 5500 gallons or 50,000 pounds; and

(3) The area in the facility in which the hazardous chemical is normally stored and to what extent the chemical may be stored at altered temperature or pressure.

(b) The Hazardous Substance List shall be updated quarterly if necessary, but not less often than annually; however, if a chemical is deleted from, or added to, the Hazardous Substances List, or if the quantity changes sufficiently to cause the chemical to be in a different class as defined in subsection (a) of this section, the employer shall update the Hazardous Substance List to reflect those changes as soon as practicable, but in any event within 30 days of such change.

(c) The Hazardous Substance List may be prepared for the facility as a whole, or for each area in a facility where hazardous chemicals are

stored, at the option of the employer but shall include only chemicals used or stored in North Carolina.

"§ 95-192. *Material Safety Data Sheets.*—(a) Chemical manufacturers and distributors shall provide material safety data sheets (MSDS's) to manufacturing and nonmanufacturing purchasers of hazardous chemicals in North Carolina for each hazardous chemical purchased.

(b) Employers shall maintain the most current MSDS received from manufacturers or distributors for each hazardous chemical purchased. If an MSDS has not been provided by the manufacturer or distributor for chemicals on the Hazardous Substance List at the time the chemicals are received at the facility, the employer shall request one in writing from the manufacturer or distributor within 30 days after receipt of the chemical. If the employer does not receive an MSDS within 30 days after his written request, he shall notify the Commissioner of Labor of the failure by manufacturer or distributor to provide the MSDS.

"§ 95-193. *Labels.*—Existing labels on incoming containers of hazardous chemicals shall not be removed or defaced. All containers of hazardous substances must be clearly designated as hazardous.

"§ 95-194. *Emergency information.*—(a) An employer who normally stores at a facility any hazardous chemical in an amount of at least 55 gallons or 500 pounds, whichever is greater, shall provide the Fire Chief of the Fire Department having jurisdiction over the facility, in writing, (i) the name(s) and telephone number(s) of knowledgeable representative(s) of the employer who can be contacted for further information or in case of an emergency, (ii) in municipalities with populations of less than 10,000 advise him of the availability of the Hazardous Substance List upon written request, and (iii) in municipalities with populations of 10,000 or more, a copy of the Hazardous Substance List.

(b) Each employer shall provide a copy of the Hazardous Substance List to the Fire Chief, in accordance with the provisions of G.S. 95-194(a). The employer shall notify the Fire Chief in writing of any updates that occur in the previously submitted Hazardous Substance List as provided in G.S. 95-191(b).

(c) The Fire Chief or his representative, upon request, shall be permitted on-site inspections at reasonable times of the chemicals located at the facility on the Hazardous Substance List for the sole purpose of preplanning Fire Department activities in the case of an emergency and insuring by inspection the usefulness and accuracy of the Hazardous Substance List and labels.

(d) Employers shall provide to the Fire Chief, upon written request of the Fire Chief, a copy of the MSDS for any chemical on the Hazardous Substance List.

(e) Upon written request of the Fire Chief, an employer shall prepare an emergency response plan for the facility which shall include, but not be limited to, facility evacuation procedures, a list of emergency equipment available at the facility, and copies of other emergency response plans, such as the contingency plan required under North Carolina Hazardous Waste Management Rules. A copy of the emergency response plan or any prefire plan or emergency response plan required under applicable North

Carolina or federal statute or rule or regulation shall, upon written request by the Fire Chief, be given to the Fire Chief.

(f) The Fire Chief shall, in consultation with the employer, make information from the Hazardous Substance List, the emergency response plan, and MSDS's available to members of the Fire Company having jurisdiction over the facility and to personnel responsible for preplanning emergency response, police, medical or fire activities, but shall not otherwise distribute or disclose (or allow the disclosure of) information not available to the public under G.S. 95-208. Such persons receiving such information shall not disclose the information received and shall use such information only for the purpose of preplanning emergency response, police, medical or fire activities.

(g) Any knowing distribution or disclosure (or permitted disclosure) of any information referred to in subsection (f) of this section in any manner except as specifically permitted under that subsection (f) shall be punishable as a misdemeanor. Restrictions concerning confidentiality or nondisclosure of information under this Article 18 shall be exemptions from the Public Records Act contained in Chapter 132 of the General Statutes, and such information shall not be disclosed notwithstanding the provisions of Chapter 132 of the General Statutes.

"§ 95-195. *Complaints, investigations, penalties.*—(a) Complaints of violations of this Part shall be filed in writing with the Commissioner of Labor. Such complaints received in writing from any Fire Chief relating to alleged violations of this Part shall be investigated in a timely manner by the Commissioner of Labor or his designated representative.

(b) Duly designated representatives of the Commissioner of Labor, upon presentation of appropriate credentials to the employer, shall have the right of entry into any facility at reasonable times to inspect and investigate complaints within reasonable limits, and in a reasonable manner.

(c) Employers found to be in violation of this Article shall be given 14 days following receipt of written notification of the violation to comply. Employers not complying within 14 days following receipt of written notification of a violation shall be subject to civil penalties of not more than one thousand dollars ($1,000) per violation imposed by the Commissioner of Labor, after a hearing and an opportunity to be heard. There shall be a separate offense for each day the violation continues.

"§ 95-196. *Employee rights.*—No employer shall discharge, or cause to be discharged, or otherwise discipline or in any manner discriminate against an employee at the facility because the employee has assisted the Commissioner of Labor or his representative or the Fire Chief or his representative who may make or is making an inspection under G.S. 95-194(c) or G.S. 95-195(b), or has testified or is about to testify in any proceeding under this Article, or has used the provisions of G.S. 95-208.

"§ 95-197. *Withholding hazardous substance trade secret information.*—(a) An employer who believes that all or any part of the information required under G.S. 95-191, 95-192, 95-194(b) or 95-194(d) is a hazardous substance trade secret may withhold the information, provided that (1) hazard information on chemicals the identity of which is claimed as a hazardous substance trade secret is provided to the Fire

Chief who shall hold it in confidence and (2) the employer claims that the information is a hazardous substance trade secret.

(b) Any person in North Carolina may request in writing that the Commissioner of Labor review *in camera* an employer's hazardous substance trade secret claim. If the Commissioner of Labor finds that the claim is other than completely valid, this finding shall be appealable under subsection (d) of this section. If the Commissioner of Labor finds that the claim is valid, he shall then determine whether the nonconfidential information is sufficient for the Fire Chief to fulfill the responsibilities of his office. If the Commissioner of Labor finds that the information is not sufficient, he shall direct the employer to supplement the information with such other information as will provide the Fire Chief with sufficient information to fulfill the responsibilities of his office, but this finding shall be appealable under subsection (d) of this section.

(c) The Commissioner of Labor and the Fire Chief shall protect from disclosure any or all information coming into either or both of their possession when such information is marked by the employer as confidential, and they shall return all information so marked to the employer at the conclusion of their determination by the Commissioner of Labor. Any person who has access to any hazardous substance trade secret solely pursuant to this section and who discloses it knowing it to be a hazardous substance trade secret to any person not authorized to receive it shall be guilty of a Class J felony, and if knowingly or negligently disclosed to any person not authorized, shall be subject to civil action for damages and injunction by the owner of the hazardous substance trade secret, including, without limitation, actions under Article 24 of Chapter 66 of the General Statutes.

(d) The employer, Fire Chief, or person making the original request who is an aggrieved party shall have thirty (30) days after receipt of notification by the Commissioner of his findings under subsection (b) to request an administrative hearing on the determination. Any such hearing shall be held in a manner similar to that provided for in G.S. Chapter 150A, Article 3 and the decision upon the request of any aggrieved party shall be subject to the judicial review provided for by G.S. Chapter 150A, Article 4, provided that these administrative and judicial hearings shall be conducted *in camera* to assure the confidentiality of the information being reviewed.

"§ 95-198. *Medical emergency and nonemergency situations.*—(a) Where a treating health care provider determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a hazardous substance trade secret substance to that treating physician or nurse, regardless of the existence of written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and a confidentiality agreement as soon as circumstances permit. The confidentiality agreement (1) may restrict the use of the information to the health purposes indicated in a written statement of need; (2) may provide for appropriate legal remedies in the event of a breach of the

agreement, including stipulation of a reasonable pre-estimate of likely damages; and (3) may not include requirements for the posting of a penalty bond. The parties are not precluded from pursuing non-contractual remedies to the extent permitted by law.

(b) In nonemergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under this section, to a health professional, as defined in 13 N.C.A.C. 7C .0101(a)(99), providing medical or other occupational health services to exposed persons if the request is in writing and states the medical need for the information. The employer may require that the health care provider sign a confidentiality agreement prior to release of the information. The parties are not precluded from pursuing non-contractual remedies to the extent permitted by law.

(c) If the chemical manufacturer, importer or employer denies a written request for hazardous substance trade secret release, or does not provide this information within 30 days, the Department of Labor shall initiate the trade secret claim determination process under G.S. 95-197.

§ 95-199 to 95-207: Reserved for future codification purposes.

"Part 3.
"Community Right to Know.

"§ 95-208. *Community Information on Hazardous Chemicals.*—(a) Any person in North Carolina may request in writing from the employer a list of chemicals used or stored at the facility. The request shall include the name and address of the person making the request and a statement of the purpose for the request. If the person is requesting the list on behalf of or for the use of an organization, partnership, or corporation, he shall also disclose the name and business address of such organization, partnership, or corporation. The request may include, at the option of the employer, a statement to the effect that the information will be used only for the purpose stated. The employer shall furnish to the person making the request a list containing, at a minimum, all chemicals included on the Hazardous Substance List, the class of each chemical as defined in G.S. 95-191(a)(2), and an MSDS for each chemical for which an MSDS is available and is requested. Whenever an employer has withheld a chemical under the provisions of G.S. 95-197 from the information provided under G.S. 95-208, the employer must state that the information is being withheld and, upon request, must provide the MSDS for the chemical. Additional information may be furnished to the person making the request at the option of the employer. The employer shall provide, at a fee not to exceed the cost of reproducing the materials, the materials requested within ten working days of the date the employer receives the written request for information.

(b) If the employer fails or refuses to provide the information required under subsection (a) of this section, the person requesting the information may request in writing that the Commissioner of Labor review the request. The Commissioner of Labor may conduct an investigation in the same manner as provided in G.S. 95-195(b). Following the investigation, the Commissioner shall make appropriate findings. Either the employer or the

person making the initial request may request an administrative hearing pursuant to Chapter 150A of The General Statutes. This request for an administrative hearing shall be submitted to the Commissioner of Labor within 30 days following the Commissioner making his findings. The Commissioner of Labor shall within 30 days of receiving the request hold an administrative hearing to consider the request for information under subsection (a) of this section. This hearing shall be held as provided for in G.S. Chapter 150A, Article 3. If the Commissioner of Labor finds that the request complies with the requirements of subsection (a) of this section, the Commissioner of Labor shall direct that the employer provide to the person making the request a list containing, at a minimum, all chemicals used or stored at the facility included on the Hazardous Substance List, the class of each chemical as defined in G.S. 95-191(a)(2), and an MSDS for each chemical for which an MSDS is available and is requested and may in his discretion assess civil penalties as provided in G.S. 95-195(c); provided that it shall be a defense to such disclosure if the employer proves that the information has been requested directly or indirectly by, or in behalf of, a competitor of the employer, or that such information is a Hazardous Substance Trade Secret, or that the request did not comply with the requirements of subsection (a) of this section.

(c) Any order by the Commissioner of Labor under subsection (b) of this section shall be subject to judicial review as provided under G.S. Chapter 150A, Article 4.

§ 95-209 to 95-215: Reserved for future codification purposes.

"Part 4.
"Implementation.

"§ 95-216. *Exemptions.*—Notwithstanding any language to the contrary, the provisions of this Article shall not apply to chemicals in or on the following:

(a) Hazardous substances while being transported in interstate commerce into or through this State;

(b) Products intended for personal consumption by employees in the facilities;

(c) Retail food sale establishments and all other retail trade establishments, exclusive of processing and repair areas, except that the employer must comply with the provisions of G.S. 95-194(a)(i);

(d) Any food, food additive, color additive, drug or cosmetic as such terms are defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 *et seq.*);

(e) A laboratory under the direct supervision or guidance of a technically qualified individual provided that:

(1) Labels on containers of incoming chemicals shall not be removed or defaced;

(2) MSDS's received by the laboratory shall be maintained and made accessible to employees and students;

(3) The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes; and

(4) The laboratory is an independent operation not affiliated with a manufacturing or nonmanufacturing facility and the operator complies with the provisions of G.S. 95-194(a)(i);

(f) Any farming operation which employs 10 or fewer full-time employees, except that if any hazardous chemical in an amount in excess of 55 gallons or 500 pounds, whichever is greater, is normally stored at the farming operation, the employer must comply with the provisions of G.S. 95-194(a)(i); and

(g) Any distilled spirits, tobacco, and untreated wood products; and

(h) Medicines used directly in patient care in health care facilities and health care facility laboratories are exempt from this Article.

"§ 95-217. *Preemption of local regulations.*—It is the intent of the General Assembly to prescribe this uniform system for the disclosure of information regarding the use or storage of hazardous chemicals. To that end, all units of local government in the State are preempted from exercising their powers to require disclosure, directly or indirectly, of information regarding the use or storage of hazardous chemicals by employers to any members of the public, or to any branch or agent of State or local government in any manner other than as provided for in this Article.

"§ 95-218. *Severability.*—The provisions of this Article are severable, and if any phrase, clause, sentence, or provision of this Article, or the application of any such phrase, clause, sentence or provision to any person, business entity or circumstances, other than those to which it was held invalid shall not be affected thereby."

Sec. 2. This act shall become effective May 25, 1986.

In the General Assembly read three times and ratified, this the 17th day of July, 1985.

H.B. 458 **CHAPTER 776**

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO PROCESS LOCAL FAIR HOUSING COMPLAINTS.

The General Assembly of North Carolina enacts:

Section 1. The City Council of the City of Asheville may adopt ordinances to create an Asheville Fair Housing Commission. The Asheville Fair Housing Commission shall have jurisdiction to enforce the State Fair Housing Act, Chapter 41A of the General Statutes, in the City of Asheville and shall have jurisdiction over the subject matter of any complaint filed under G.S. 41A-7 relating to property located in the City of Asheville or to an unlawful discriminatory housing practice occurring in the City of Asheville.

Sec. 2. The Asheville Fair Housing Commission shall have the same powers and duties as are granted to the North Carolina Human Relations Council in Chapter 41A of the General Statutes.

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 17th day of July, 1985.

H.B. 514 **CHAPTER 777**

AN ACT TO AUTHORIZE A COUNTY DIRECTOR OF SOCIAL SERVICES TO SECURE MEDICAL, SURGICAL, PSYCHIATRIC, PSYCHOLOGICAL AND OTHER CARE OR TREATMENT FOR A JUVENILE IN THE CUSTODY OR PHYSICAL CUSTODY OF A COUNTY DEPARTMENT OF SOCIAL SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-647(2)c. is amended by rewriting the last sentence to read:

"The Director may, unless otherwise ordered by the judge, arrange for, provide, or consent to, needed routine or emergency medical or surgical care or treatment. In the case where the parent is unknown, unavailable or unable to act on behalf of their child or children, the Director may, unless otherwise ordered by the judge, arrange for, provide or consent to any psychiatric, psychological, educational, or other remedial evaluations or treatment for the juvenile placed by a judge or his designee in the custody or physical custody of a county Department of Social Services under the authority of this or any other Chapter of the General Statutes. Prior to exercising this authority, the Director shall make reasonable efforts to obtain consent from a parent or guardian of the affected child. If the Director can not obtain such consent, the Director shall promptly notify the parent or guardian that care or treatment has been provided and shall give him frequent status reports on the circumstances of the child. Upon request of a parent or guardian of the affected child, the results or records of the aforementioned evaluations, findings or treatment shall be made available to such parent or guardian by the Director."

Sec. 2. G.S. 122C-3(20)ii is amended by inserting immediately after the word "authority" the words "by law or".

Sec. 3. This act is effective upon ratification except that Section 2 of this act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 17th day of July, 1985.

H.B. 922 **CHAPTER 778**

AN ACT TO APPROPRIATE FUNDS FOR VARIOUS LOCAL PROJECTS.

The General Assembly of North Carolina enacts:

PART 1. CULTURAL RESOURCES

CARSON COTTAGE FUNDS

Section 1. There is appropriated from the General Fund to the Big Ivy Historical Society the sum of six thousand two hundred dollars ($6,200) for fiscal year 1985-86 to complete the restoration of the Carson Cottage at Dillingham and to landscape and fence in the tract of land on which the cottage is located.

DOWD HOUSE FUNDS

Sec. 2. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to restore and improve the James C. Dowd House and to complete an historic exhibit at that house.

TARRADIDDLE PLAYERS FUNDS

Sec. 3. There is appropriated from the General Fund to the Tarradiddle Players of Charlotte the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to purchase a van to permit the Tarrididdle Players to travel to their performances for the school children of the State.

GENERAL LEE MUSEUM FUNDS

Sec. 4. There is appropriated from the General Fund to the General William C. Lee Memorial Commission, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to establish the General William C. Lee Museum, provided a like amount is raised by the Commission to match the grant-in-aid on a dollar-for-dollar basis with non-State funds.

HIGHLANDS PUBLIC LIBRARY FUNDS

Sec. 5. There is appropriated from the General Fund to the Fontana Regional Library System the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital improvements to the Highlands Branch of the Macon County Library.

CHEROKEE HISTORICAL MUSEUM FUNDS

Sec. 6. There is appropriated from the General Fund to the Cherokee County Historical Museum, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to research, edit, and publish the lifetime work of an 80-year old historian and others of Cherokee County.

ORANGE STREET SCHOOL FUNDS

Sec. 7. There is appropriated from the General Fund to the Orange Street School Restoration Commission the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to restore and renovate the Old Orange Street School in Fayetteville for use as a museum, art center, or other cultural center.

BREVARD COMMUNITY ARTS CENTER FUNDS

Sec. 8. There is appropriated from the General Fund to the City of Brevard the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 to operate the Brevard Community Arts Center known as "The Clemson Theater".

BELLE CHERE FESTIVAL FUNDS

Sec. 9. There is appropriated from the General Fund to the Asheville Area Chamber of Commerce the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to sponsor the annual Belle Chere Street Festival.

YOUNG MEN'S INSTITUTE CULTURAL CENTER FUNDS

Sec. 10. There is appropriated from the General Fund to the Young Men's Institute Cultural Center, Incorporated, the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to preserve the Center, which is listed on the National Register of Historic Places.

ASHEVILLE ARTS JOURNAL FUNDS

Sec. 11. There is appropriated from the General Fund to The Arts Journal of Asheville, a nonprofit tax-exempt magazine, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to modernize the equipment used to produce the magazine.

HENDERSON INSTITUTE LIBRARY FUNDS

Sec. 12. There is appropriated from the General Fund to the Henderson Institute Graduates and Former Students Association, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to furnish and complete the renovation of the Library Building on the former Henderson Institute Campus.

TEMPLE THEATRE FUNDS

Sec. 13. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 to restore the Temple Theatre, provided a like amount of non-State funds is raised by the Temple Theatre Company, Incorporated, to match this appropriation on a dollar-for-dollar basis.

SOUTHPORT COURTHOUSE FUNDS

Sec. 14. There is appropriated from the General Fund to the City of Southport the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to renovate the Southport Courthouse.

DISCOVERY PLACE FUNDS

Sec. 15. There is appropriated from the General Fund to Discovery Place in Charlotte the sum of two hundred twenty-five thousand dollars ($225,000) for fiscal year 1985-86 to provide operating funds for Discovery Place.

CASWELL-NEUSE HISTORIC SITE FUNDS

Sec. 16. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to construct an artifact storage building at the Caswell-Neuse State Historic Site and to make necessary improvements to the audiovisual program at the site.

PASQUOTANK HISTORICAL SURVEY FUNDS

Sec. 17. There is appropriated from the General Fund to Pasquotank County the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86

to conduct a survey of architecturally and historically significant structures and sites in Pasquotank County.

EXECUTIVE MANSION FUNDS

Sec. 18. There is appropriated from the General Fund to the Department of Cultural Resources the sum of sixty thousand dollars ($60,000) for fiscal year 1985-86 for interior repairs of furnishings and equipment in the public areas of the Executive Mansion located at 200 North Blount Street, Raleigh. The Executive Mansion Fine Arts Committee shall advise the Secretary of Cultural Resources on these preservation and maintenance expenditures.

CHOWAN COURTHOUSE FUNDS

Sec. 19. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of sixty-two thousand dollars ($62,000) for fiscal year 1985-86 to assist in the restoration of the Old Chowan County Courthouse.

LATHAM HOUSE FUNDS

Sec. 20. There is appropriated from the General Fund to the Department of Cultural Resources, Divison of Archives and History, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to assist in the adaptive restoration of the Latham House in Plymouth, provided a like amount of non-State funds is raised by the Latham Foundation to match this appropriation on a dollar-for-dollar basis.

CHICAMACOMICO LIFESAVING STATION FUNDS

Sec. 21. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to complete the restoration of the Chicamacomico Lifesaving Station by the Chicamacomico Historical Association, Incorporated, provided a like amount of non-State funds is raised by the Chicamacomico Historical Association, Incorporated, to match this appropriation on a dollar-for-dollar basis.

SHAKESPEARE FESTIVAL FUNDS

Sec. 22. There is appropriated from the General Fund to the Department of Cultural Resources the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 for production and marketing expenses for the North Carolina Shakespeare Festival. This festival was designated by the General Assembly in 1978 as the "State Shakespeare Festival".

MONTGOMERY LIBRARY FUNDS

Sec. 23. There is appropriated from the General Fund to the Sandhill Regional Library System the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to purchase children's books for the Montgomery County Library.

MONTGOMERY MUSEUM FUNDS

Sec. 24. There is appropriated from the General Fund to the Montgomery County Museum the sum of nine thousand dollars ($9,000) for fiscal year 1985-86 for the maintenance and general operating expenses of the old restored Troy Milling Factory in Montgomery County.

ANSON MUSEUM FUNDS

Sec. 25. There is appropriated from the General Fund to the Museum of Anson County the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for the maintenance and improvement, including the cost of exhibit construction, of the Museum.

HOTEL FREEMAN FUNDS

Sec. 26. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of seven thousand five hundred dollars ($7,500) for fiscal year 1985-86 to be paid to the Town of Windsor and used for the continued restoration of the Hotel Freeman (Pearl), provided the Town of Windsor raises a like amount of non-State funds to match this appropriation on a dollar-for-dollar basis. The activities associated with this appropriation shall be performed in accordance with the standards and guidelines for restoration projects established by the Division of Archives and History and shall be conducted under the professional supervision of that agency.

EDGECOMBE HISTORIC PRESERVATION FUNDS

Sec. 27. There is appropriated from the General Fund to the Historic Preservation Fund of Edgecombe County, Incorporated, the sum of forty-five thousand dollars ($45,000) for fiscal year 1985-86 to relocate to the Dunbar Community and restore a historic structure in Edgecombe County. The structure shall be relocated and restored under the terms and conditions set by the Historic Preservation Fund of Edgecombe County, Incorporated. Forty thousand dollars ($40,000) of these funds may not be expended unless the Historic Preservation Fund of Edgecombe County, Incorporated, provides at least forty thousand dollars ($40,000) in non-State matching funds by June 20, 1986.

If the Historic Preservation Fund of Edgecombe County, Incorporated, has not provided forty thousand dollars ($40,000) in matching funds by June 20, 1986, it shall give the unexpended forty thousand dollars ($40,000) to the Blount Bridges House/Hobson Pittman Memorial Gallery Foundation, Incorporated, before July 1, 1986, to be used to establish a special fund for the Blount Bridges House in Tarboro. The Foundation may expend the interest accruing to the special fund to operate and maintain the Blount Bridges House but may not expend the principal of the special fund for any purpose.

GATES COURTHOUSE FUNDS

Sec. 28. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 to assist in the restoration of the Old Gates County Courthouse by the Gates County Historical Society, Incorporated.

ASHEVILLE THEATRE FUNDS

Sec. 29. There is appropriated from the General Fund to the Asheville Community Theatre, Incorporated, the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for capital expenses, provided a like amount of non-State funds is raised by the Asheville Community Theatre, Incorporated, to match this appropriation on a dollar-for-dollar basis.

GALLERY THEATRE FUNDS

Sec. 30. There is appropriated from the General Fund to the Town of Ahoskie the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to install a heating and air conditioning system in the Gallery Theatre, an historic community theatre located in Hertford County.

KING SOLOMON LODGE FUNDS

Sec. 31. There is appropriated from the General Fund to the King Solomon Lodge No. 1 the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to complete the restoration of the King Solomon Lodge Masonic Building.

CREATIVE EXCHANGE FUNDS

Sec. 32. There is appropriated from the General Fund to the Creative Exchange, Incorporated, a nonprofit organization that develops, promotes, and coordinates cultural programs for Wake County, the sum of twelve thousand five hundred dollars ($12,500) for fiscal year 1985-86 to develop earned income programs to ensure the future growth of the Exchange, to develop awareness of and interest in the arts, to develop new programs, and to maintain and improve the quality of existing programs.

SPRING HILL HOUSE FUNDS

Sec. 33. There is appropriated from the General Fund to the Dorothea Dix Volunteer Service Guild, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to restore and preserve the Spring Hill House and property. The activities associated with this appropriation shall be performed in accordance with the standards and guidelines for restoration projects established by the Division of Archives and History and shall be conducted under the professional supervision of that agency.

CRAVEN ARTS COUNCIL & GALLERY FUNDS

Sec. 34. There is appropriated from the General Fund to the Craven Arts Council and Gallery, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to bring the facility in compliance with the building code and to purchase office equipment.

CARTERET HISTORICAL MUSEUM FUNDS

Sec. 35. There is appropriated from the General Fund to the Carteret Historical Research Association the sum of fifteen thousand

dollars ($15,000) for fiscal year 1985-86 for the Preservation Fund for a County Historical Museum and Research Library.

CRAVEN COURTHOUSE FUNDS

Sec. 36. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the continued restoration of the Craven County Courthouse, provided the Craven County Board of Commissioners raises the same amount of non-State funds to match this appropriation on a dollar-for-dollar basis. The Board of Commissioners may, from time to time, apply to the Division for the funds appropriated by this act as it raises the required matching funds.

MORDECAI SQUARE REVOLVING FUND MONIES

Sec. 37. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to be placed in the Mordecai Square Revolving Fund and used to preserve historical, architectural, and cultural landmarks in the City of Raleigh and Wake County.

ROWLAND DEPOT FUNDS

Sec. 38. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for use by the Rowland Historical Society, Incorporated, in restoring the Rowland Depot. The activities associated with this appropriation shall be performed in accordance with the standards and guidelines for such projects established by the Division of Archives and History, and shall be conducted under the professional supervision of that agency.

SALISBURY RAILROAD FUNDS

Sec. 39. There is appropriated from the General Fund to the Department of Cultural Resources the sum of forty-five thousand dollars ($45,000) for fiscal year 1985-86 for the continued restoration of the Historic Salisbury Railroad Station, provided the Historic Salisbury Foundation, Incorporated, raises a like amount of non-State funds to match this appropriation on a dollar-for-dollar basis. Funds previously raised and expended for the purchase and restoration of the Historic Salisbury Railroad Station shall qualify as matching funds for purposes of this section.

PERSON PLACE PRESERVATION FUNDS

Sec. 40. There is appropriated from the General Fund to the Person Place Preservation Society, Incorporated, the sum of fourteen thousand dollars ($14,000) for fiscal year 1985-86 for continued restoration of the Person Place in Franklin County.

WASHINGTON/BEAUFORT CIVIC CENTER FUNDS

Sec. 41. There is appropriated from the General Fund to the City of Washington the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the Washington-Beaufort County Civic Center.

HENDERSON APPLE FESTIVAL FUNDS

Sec. 42. There is appropriated from the General Fund to the North Carolina Apple Festival, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital needs of the North Carolina Apple Festival in Henderson and to promote the Festival.

NASH CULTURAL CENTER FUNDS

Sec. 43. There is appropriated from the General Fund to the Historic Preservation Foundation of North Carolina, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to rehabilitate the former Nashville Baptist Church for use as the Nash County Cultural Center.

WESTERN PIEDMONT SYMPHONY FUNDS

Sec. 44. There is appropriated from the General Fund to the Western Piedmont Symphony Society, Incorporated, based at Lenoir-Rhyne College in Hickory, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for capital improvements.

MURFREE LAW OFFICE

Sec. 45. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of thirty thousand dollars ($30,000) for fiscal year 1985-86 to complete the stabilization of the Murfree Law Office.

ONSLOW ARTS COUNCIL FUNDS

Sec. 46. There is appropriated from the General Fund to the Onslow County Arts Council, Incorporated, the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 for operating expenses and capital improvements.

RICHLANDONSLOW COUNTY MUSEUM FUNDS

Sec. 47. There is appropriated from the General Fund to Richlands-Onslow County Museum, Incorporated, the sum of nineteen thousand dollars ($19,000) for fiscal year 1985-86 for operating expenses and capital improvements.

CAPITAL AREA SOCCER FIELD FUNDS

Sec. 48. There is appropriated from the General Fund to the Capital Area Soccer League, Incorporated, the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to assist in the construction of permanent soccer facilities within Wake County, provided a like amount of non-State funds is raised by the Capital Area Soccer League, Incorporated, to match this appropriation on a dollar-for-dollar basis. Any unexpended funds at the end of the 1985-86 fiscal year shall not revert to the General Fund.

HOMESPUN MUSEUM FUNDS

Sec. 49. There is appropriated from the General Fund to the North Carolina Homespun Museum the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to develop a third exhibit room.

RANDOLPH ARTS GUILD FUNDS

Sec. 50. There is appropriated from the General Fund to the Randolph Arts Guild the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to renovate a downtown building in Asheboro to house a gallery, classrooms, studios for theatre and dance, a craft shop, and the Guild's office and meeting room.

ESTEY HALL FUNDS

Sec. 51. There is appropriated from the General Fund to the Estey Hall Foundation the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to complete the adaptive restoration of Estey Hall at Shaw University in Raleigh.

OLD SALEM FUNDS

Sec. 52. There is appropriated from the General Fund to Old Salem, Incorporated, the sum of one hundred nine thousand five hundred dollars ($109,500) for fiscal year 1985-86 for the use of Old Salem in interpreting the history and culture of eighteenth century Piedmont North Carolina for school children and adult visitors. Any unexpended funds at the end of the biennium shall not revert to the General Fund.

KINSTON POST OFFICE RENOVATION FUNDS

Sec. 53. There is appropriated from the General Fund to the City of Kinston the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to continue the renovation of Kinston's 1915 Post Office.

FAYETTEVILLE VISITORS BUREAU HEADQUARTERS FUNDS

Sec. 54. There is appropriated from the General Fund to the City of Fayetteville the sum of sixteen thousand dollars ($16,000) for fiscal year 1985-86 to restore Barge's Tavern for use as the headquarters of the Fayetteville Area Visitors Bureau.

NEWPORT PUBLIC LIBRARY FUNDS

Sec. 55. There is appropriated from the General Fund to the Newport Public Library the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses and equipment.

RUTHERFORD COLLEGE HISTORICAL FOUNDATION FUNDS

Sec. 56. There is appropriated from the General Fund to the Rutherford College Historical Foundation the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for renovation and restoration projects of the Foundation.

OLD SALEM FUNDS

Sec. 57. There is appropriated from the General Fund to Old Salem, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year

1985-86 to support the Museum of Early Southern Decorative Arts at Old Salem.

"FROM THIS DAY FORWARD" FUNDS

Sec. 58. There is appropriated from the General Fund to The Outdoor Theatre Fund Charitable Trust the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to produce the outdoor drama "From This Day Forward".

BEAUFORT HISTORICAL SOCIETY FUNDS

Sec. 59. There is appropriated from the General Fund to the Beaufort Historical Society the sum of six thousand dollars ($6,000) for fiscal year 1985-86 for operating expenses of the Society.

AMERICAN DANCE FESTIVAL FUNDS

Sec. 60. There is appropriated from the General Fund to the American Dance Festival in Durham the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for operating expenses of the Festival.

TOBACCO FESTIVAL FUNDS

Sec. 61. There is appropriated from the General Fund to the Southern Flue-Cured Tobacco Festival, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to promote the Southern Flue-Cured Tobacco Festival, held in Pitt County, and to purchase supplies for the Festival.

deROSSETT HOUSE FUNDS

Sec. 62. There is appropriated from the General Fund to the Historic Wilmington Foundation, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the continued restoration of the deRossett House, provided the sum of three thousand three hundred fifty dollars ($3,350) of non-State funds is raised by the Foundation and the sum of three thousand three hundred fifty dollars ($3,350) of non-State funds is raised by the City of Wilmington to match this appropriation.

BELLAMY MANSION FUNDS

Sec. 63. There is appropriated from the General Fund to the Bellamy Mansion Foundation the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 to restore the Bellamy Mansion, provided the sum of five thousand dollars ($5,000) of non-State funds is raised by the Foundation and the sum of five thousand dollars ($5,000) of non-State funds is raised by New Hanover County to match this appropriation.

DUPLIN ARTS COUNCIL FUNDS

Sec. 64. There is appropriated from the General Fund to the Duplin County Arts Council the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses of the Council.

GOLDSBORO COMMUNITY ARTS COUNCIL FUNDS

Sec. 65. There is appropriated from the General Fund to the Community Arts Council of Goldsboro the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for capital improvements to the auditorium of and the parts of the Herman Park Center in Goldsboro that are used by the Community Arts Council of Goldsboro, and for other capital needs of the Council.

NASHVILLE'S COOLEY LIBRARY FUNDS

Sec. 66. There is appropriated from the General Fund to the Harold D. Cooley Library in Nashville the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

OCTAGON HOUSE FUNDS

Sec. 67. There is appropriated from the General Fund to Octagon House Restoration, Incorporated, the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for the adaptive restoration of The Octagon House in Hyde County for use as a public library.

DELTA ARTS CENTER FUNDS

Sec. 68. There is appropriated from the General Fund to Winston-Salem Delta Fine Arts, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the programs of the Delta Arts Center.

KING-BAZEMORE HOUSE FUNDS

Sec. 69. There is appropriated from the General Fund to the Historic Hope Foundation the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to help complete the restoration of the King-Bazemore House located near Windsor in Bertie County.

BETHEL PUBLIC LIBRARY FUNDS

Sec. 70. There is appropriated from the General Fund to the Bethel Public Library the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to purchase books and shelving for the library.

ALEXANDER DICKSON HOUSE FUNDS

Sec. 71. There is appropriated from the General Fund to the Preservation Fund of Hillsborough, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to restore the Alexander Dickson House in Hillsborough and to develop educational programs at the House upon completion of the restoration.

MIDDLESEX PUBLIC LIBRARY FUNDS

Sec. 72. There is appropriated from the General Fund to the Middlesex Public Library the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

BRASWELL MEMORIAL LIBRARY FUNDS

Sec. 73. There is appropriated from the General Fund to the Thomas Hackney Braswell Memorial Library in Rocky Mount the sum of five

thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

STONEWALL (LEWIS HOUSE) FUNDS

Sec. 74. There is appropriated from the General Fund to the Nash County Historical Association the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for improvements to Stonewall, also known as the Lewis House, located in Rocky Mount.

AYDEN PUBLIC LIBRARY FUNDS

Sec. 75. There is appropriated from the General Fund to the Quinerly-Olschener Public Library in the Town of Ayden the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to purchase books for the library.

FARMVILLE ARTS COUNCIL FUNDS

Sec. 76. There is appropriated from the General Fund to the Farmville Community Arts Council the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to purchase equipment and sponsor local arts events.

FARMVILLE PUBLIC LIBRARY FUNDS

Sec. 77. There is appropriated from the General Fund to the Farmville Public Library the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to purchase books for the Library and make repairs to the Library.

SHEPPARD MEMORIAL LIBRARY FUNDS

Sec. 78. There is appropriated from the General Fund to the Sheppard Memorial Library in Greenville the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to purchase books for the Library.

HARMONY HALL FUNDS

Sec. 79. There is appropriated from the General Fund to the Lenoir County Historical Association, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to restore Harmony Hall in Kinston.

NEWBOLD-WHITE HOUSE FUNDS

Sec. 80. There is appropriated from the General Fund to the Perquimans County Restoration Association the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for further restorations at the Newbold-White House and site.

NASH HISTORICAL SURVEY FUNDS

Sec. 81. There is appropriated from the General Fund to the Nash County Historical Association the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to conduct an inventory of architecturally and historically significant sites and structures in Nash County.

PITT HISTORICAL SURVEY FUNDS

Sec. 82. There is appropriated from the General Fund to the Pitt County Historical Society the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to conduct an inventory of architecturally and historically significant sites and structures in Pitt County.

GREENSBORO SYMPHONY FUNDS

Sec. 83. There is appropriated from the General Fund to the Greensboro Symphony Orchestra the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for operating expenses of the Orchestra.

"SWORD OF PEACE" FUNDS

Sec. 84. There is appropriated from the General Fund to the Snow Camp Historical Drama Society, Incorporated, the sum of thirty thousand dollars ($30,000) for fiscal year 1985-86 to produce the outdoor drama "Sword of Peace".

ALAMANCE ARTS COUNCIL FUNDS

Sec. 85. There is appropriated from the General Fund to the Alamance County Arts Council the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses of the Council.

ROCKINGHAM HISTORICAL SOCIETY FUNDS

Sec. 86. There is appropriated from the General Fund to the Rockingham County Historical Society, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses of the Society.

MADISON HISTORIC DISTRICT FUNDS

Sec. 87. There is appropriated from the General Fund to the Madison Historic District Commission the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for restoration projects of the Commission in the two historic districts in the Town of Madison.

OLD ROCKINGHAM THEATER FUNDS

Sec. 88. There is appropriated from the General Fund to the Rockingham County Arts Council the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for the continued renovation of the Old Rockingham Theater.

PENN HOUSE FUNDS

Sec. 89. There is appropriated from the General Fund to the City of Reidsville the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the continued renovation of the Penn House and its outbuildings.

"STRIKE AT THE WIND" FUNDS

Sec. 90. There is appropriated from the General Fund to Robeson Historical Drama, Incorporated, the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to produce the outdoor drama "Strike at the Wind".

ROWLAND PUBLIC LIBRARY FUNDS

Sec. 91. There is appropriated from the General Fund to the Rowland Public Library the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to repair the Library.

HOKE LITERACY COUNCIL FUNDS

Sec. 92. There is appropriated from the General Fund to the Hoke Literacy Council the sum of nine thousand dollars ($9,000) for fiscal year 1985-86 for operating expenses of the Council.

FRANKLIN LIBRARY BOOKMOBILE FUNDS

Sec. 93. There is appropriated from the General Fund to the Franklin County Library the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to purchase a bookmobile.

KENLY PUBLIC LIBRARY FUNDS

Sec. 94. There is appropriated from the General Fund to the Kenly Public Library the sum of twenty-two thousand five hundred dollars ($22,500) for fiscal year 1985-86 for operating expenses and capital improvements.

GRAHAM COURTHOUSE FUNDS

Sec. 95. There is appropriated from the General Fund to Graham County the sum of twelve thousand dollars ($12,000) for fiscal year 1985-86 to construct an elevator at the Graham County Courthouse to provide the handicapped access to the Courthouse.

DELTA ARTS CENTER FUNDS

Sec. 96. There is appropriated from the General Fund to Winston-Salem Delta Fine Arts, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the programs of the Delta Arts Center.

HISTORIC ST. THOMAS' CHURCH FUNDS

Sec. 97. There is appropriated from the General Fund to the Historic St. Thomas Preservation Society, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to restore St. Thomas' Church in Wilmington, provided the sum of three thousand three hundred fifty dollars ($3,350) of non-State funds is raised by the Society and the sum of three thousand three hundred fifty dollars ($3,350) of non-State funds is raised by the City of Wilmington to match this appropriation.

PENDER LIBRARY BOOKMOBILE FUNDS

Sec. 98. There is appropriated from the General Fund to the Pender County Library the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to purchase a bookmobile.

RIEGELWOOD BRANCH LIBRARY FUNDS

Sec. 99. There is appropriated from the General Fund to the East Columbus Friends of the Library the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to support the East Columbus County Library Branch in Riegelwood.

MURFREESBORO HISTORICAL RESTORATION FUNDS

Sec. 100. There is appropriated from the General Fund to the Murfreesboro Historical Association, Incorporated, the sum of thirty thousand dollars ($30,000) for fiscal year 1985-86 for restoration projects of the Association, including the Murfree Law Office and the John Wheeler House.

NORRIS LIBRARY FUNDS

Sec. 101. There is appropriated from the General Fund to the Norris Public Library in Rutherfordton the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

CHATHAM HISTORICAL SURVEY FUNDS

Sec. 102. There is appropriated from the General Fund to Chatham County the sum of three thousand five hundred dollars ($3,500) for fiscal year 1985-86 to conduct a survey of architecturally and historically significant structures and sites in Chatham County.

BROAD RIVER GENEALOGY SOCIETY FUNDS

Sec. 103. There is appropriated from the General Fund to the Broad River Genealogy Society the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses of the Society.

CLEVELAND HISTORICAL SOCIETY FUNDS

Sec. 104. There is appropriated from the General Fund to the Cleveland County Historical Society the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses of the Society.

RUTHERFORD ARTS COUNCIL FUNDS

Sec. 105. There is appropriated from the General Fund to the Rutherford County Arts Council the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses of the Council.

NORTHAMPTON MUSEUM FUNDS

Sec. 106. There is appropriated from the General Fund to the Northampton County Museum, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to prepare exhibits at the Museum.

POLK COURTHOUSE FUNDS

Sec. 107. There is appropriated from the General Fund to Polk County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the continued restoration of the Polk County Courthouse.

SHELBY LIBRARY FUNDS

Sec. 108. There is appropriated from the General Fund to the Cleveland County Memorial Library in Shelby the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

OLD FORT HERITAGE FUNDS

Sec. 109. There is appropriated from the General Fund to Old Fort Heritage Foundation, Incorporated, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for operating expenses.

TOE RIVER ARTS COUNCIL FUNDS

Sec. 110. There is appropriated from the General Fund to Toe River Arts Council the sum of eighteen thousand dollars ($18,000) for fiscal year 1985-86 for capital improvements and equipment.

DRY RIDGE MUSEUM FUNDS

Sec. 111. There is appropriated from the General Fund to the Dry Ridge Museum in Weaverville the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses.

TURKEY FESTIVAL FUNDS

Sec. 112. There is appropriated from the General Fund to the City of Raeford the sum of nine thousand dollars ($9,000) for fiscal year 1985-86 to sponsor the first annual North Carolina Turkey Festival, to be held in Raeford.

PITT-GREENVILLE ARTS COUNCIL FUNDS

Sec. 113. There is appropriated from the General Fund to the Pitt-Greenville Arts Council the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for supplies for the Council.

STEELE MEMORIAL LIBRARY FUNDS

Sec. 114. There is appropriated from the General Fund to the Town of Mount Olive the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for capital improvements to Steele Memorial Library in the Town.

EDEN PRESERVATION SOCIETY FUNDS

Sec. 115. There is appropriated from the General Fund to the Eden Preservation Society the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for preservation projects of the Society.

AYCOCK STATE HISTORIC SITE FUNDS

Sec. 116. There is appropriated from the General Fund to the Department of Cultural Resources the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the Aycock Birthplace State Historic Site.

MARTIN COMMUNITY PLAYERS FUNDS

Sec. 117. There is appropriated from the General Fund to the Martin Community Players the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses.

ALAMANCE HISTORICAL MUSEUM FUNDS

Sec. 118. There is appropriated from the General Fund to the Alamance County Historical Museum the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses of the Museum.

STEVENS CENTER FUNDS

Sec. 119. There is appropriated from the General Fund to the Roger L. Stevens Center for the Performing Arts the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses of the Center.

STEVENS CENTER FUNDS

Sec. 120. There is appropriated from the General Fund to the Roger L. Stevens Center for the Performing Arts the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses of the Center.

DELTA ARTS CENTER FUNDS

Sec. 121. There is appropriated from the General Fund to Winston-Salem Delta Fine Arts, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the cultural enrichment programs of the Delta Arts Center.

DELTA ARTS CENTER FUNDS

Sec. 122. There is appropriated from the General Fund to Winston-Salem Delta Fine Arts, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the cultural enrichment programs of the Delta Arts Center.

ARTS COUNCIL FUNDS

Sec. 123. There is appropriated from the General Fund to The Arts Council, Incorporated, in Winston-Salem the sum of seventeen thousand five hundred dollars ($17,500) for fiscal year 1985-86 to support the work of the Council and its artistic and cultural organizations in Forsyth County.

ARTS COUNCIL FUNDS

Sec. 124. There is appropriated from the General Fund to The Arts Council, Incorporated, in Winston-Salem the sum of seventeen thousand five hundred dollars ($17,500) for fiscal year 1985-86 to support the work of the Council and its artistic and cultural organizations in Forsyth County.

WINSTON-SALEM SYMPHONY FUNDS

Sec. 125. There is appropriated from the General Fund to the Winston-Salem Symphony the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to support the Symphony's in-school music education programs.

WINSTON-SALEM SYMPHONY FUNDS

Sec. 126. There is appropriated from the General Fund to the Winston-Salem Symphony the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to support the Symphony's in-school music education programs.

WACHOVIA LITTLE SYMPHONY ASSOCIATION FUNDS

Sec. 127. There is appropriated from the General Fund to the Wachovia Little Symphony Association, Incorporated, the sum of five hundred dollars ($500.00) for fiscal year 1985-86 to support the concerts given in elementary schools by the Wachovia Little Symphony.

WACHOVIA LITTLE SYMPHONY ASSOCIATION FUNDS

Sec. 128. There is appropriated from the General Fund to the Wachovia Little Symphony Association, Incorporated, the sum of five hundred dollars ($500.00) for fiscal year 1985-86 to support the concerts given in elementary schools by the Wachovia Little Symphony.

PIEDMONT OPERA THEATRE FUNDS

Sec. 129. There is appropriated from the General Fund to the Piedmont Opera Theatre, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the productions of the Piedmont Opera Theatre.

PIEDMONT OPERA THEATRE FUNDS

Sec. 130. There is appropriated from the General Fund to the Piedmont Opera Theatre, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the productions of the Piedmont Opera Theatre.

AFRO-AMERICAN CENTER FUNDS

Sec. 131. There is appropriated from the General Fund to the Afro-American Cultural and Service Center, Incorporated, located in the restored Old Little Rock Church in Charlotte, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses of the Center.

SOUTH ROBESON LIBRARY FUNDS

Sec. 132. There is appropriated from the General Fund to the South Robeson Public Library in Fairmont the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for capital improvements to the Library.

HIGHLAND GAMES FUNDS

Sec. 133. There is appropriated from the General Fund to Flora McDonald Highland Games, Limited, the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to purchase equipment for and promote the Highland Games in Robeson County.

WILLIAM FIELDS HOUSE FUNDS

Sec. 134. There is appropriated from the General Fund to the Old Greensborough Preservation Society the sum of ten thousand five hundred

dollars ($10,500) for fiscal year 1985-86 to restore and maintain the William Fields House in Old Greensborough for its historical significance and for use by community organizations.

CAROLINA THEATER FUNDS

Sec. 135. There is appropriated from the General Fund to the Carolina Civic Center Foundation, Incorporated, the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 for the continued restoration and renovation of the Carolina Theater in Robeson County.

WILLIAM PENN FOUNDATION FUNDS

Sec. 136. There is appropriated from the General Fund to the William Penn Foundation the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the continued restoration and renovation of the William Penn High School Auditorium in order to emphasize and preserve the auditorium's historical significance.

BREVARD MUSIC CENTER FUNDS

Sec. 137. There is appropriated from the General Fund to the Brevard Music Center the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to provide music scholarships for children in western North Carolina to enable the children to attend the Center.

CHOWAN COURTHOUSE FUNDS

Sec. 138. There is appropriated from the General Fund to Chowan County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to restore and renovate the Old Chowan County Courthouse, which is classified as one of the three most valuable historic buildings in North Carolina.

JOHN R. PAGE MASONIC LODGE FUNDS

Sec. 139. There is appropriated from the General Fund to the Town of Edenton the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to restore the John R. Page Masonic Hall in Edenton, provided a like amount of non-State funds is raised by the Town to match this appropriation on a dollar-for-dollar basis.

ALAMANCE HISTORIC PROPERTIES COMMISSION FUNDS

Sec. 140. There is appropriated from the General Fund to the Alamance County Historic Properties Commission the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for preservation projects of the Commission, provided a like amount of non-State funds is raised by the Commission to match this appropriation on a dollar-for-dollar basis.

FAYETTEVILLE VISITORS BUREAU HEADQUARTERS FUNDS

Sec. 141. There is appropriated from the General Fund to the City of Fayetteville the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 to restore Barge's Tavern for use as the headquarters of the Fayetteville Area Visitors Bureau.

COWAN MUSEUM FUNDS

Sec. 142. There is appropriated from the General Fund to the Kelly-Farrior Commission the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to complete the Cowan Museum, which is housed in the Kelly-Farrior House in Duplin County.

COWAN MUSEUM FUNDS

Sec. 143. There is appropriated from the General Fund to the Kelly-Farrior Commission the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to complete the Cowan Museum, which is housed in the Kelly-Farrior House in Duplin County.

FRANKLIN LIBRARY BOOKMOBILE FUNDS

Sec. 144. There is appropriated from the General Fund to the Franklin County Library the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to purchase a bookmobile.

DUPLIN ARTS COUNCIL FUNDS

Sec. 145. There is appropriated from the General Fund to the Duplin County Arts Council the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the programs of the Council.

NEWBOLD-WHITE HOUSE FUNDS

Sec. 146. There is appropriated from the General Fund to the Perquimans County Restoration Association the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the continued restoration of the Newbold-White House.

JOHN R. PAGE MASONIC LODGE FUNDS

Sec. 147. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to stabilize and restore the John R. Page Masonic Hall in Edenton, provided the John R. Page Masonic Lodge raises the same amount of non-State funds to match this appropriation on a dollar-for-dollar basis.

RUTHERFORD ARTS COUNCIL FUNDS

Sec. 148. There is appropriated from the General Fund to the Rutherford County Arts Council the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses of the Council.

GLOBE THEATRE FUNDS

Sec. 149. There is appropriated from the General Fund to the Rutherford County Arts Council the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to plan the construction in the Town of Lake Lure of a reproduction of the Shakespeare Theatre, known as the Globe Theatre.

RUTHERFORD LIBRARY FUNDS

Sec. 150. There is appropriated from the General Fund to the Rutherford County Library the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to purchase reference materials for the Library.

LINCOLN DEVELOPMENT CENTER FUNDS

Sec. 151. There is appropriated from the General Fund to the Lincoln County Cultural and Physical Fitness Development Center the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for operating expenses of the Center.

LINCOLN ARTS COUNCIL FUNDS

Sec. 152. There is appropriated from the General Fund to the Lincoln County Arts Council the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses of the Council.

SCHIELE MUSEUM FUNDS

Sec. 153. There is appropriated from the General Fund to the Schiele Museum of Natural History and Planetarium, Incorporated, in Gastonia the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 for capital improvements to the museum.

GASTON ART AND HISTORY MUSEUM FUNDS

Sec. 154. There is appropriated from the General Fund to Gaston County the sum of thirty thousand dollars ($30,000) for fiscal year 1985-86 for capital improvements to, and a textile exhibit at, the Gaston County Museum of Art and History in Dallas.

RICHMOND HILL LAW SCHOOL FUNDS

Sec. 155. There is appropriated from the General Fund to the Historic Richmond Hill Law School Commission the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital improvements at the Richmond Hill Law School in Yadkin County.

CATAWBA ART CENTER FUNDS

Sec. 156. There is appropriated from the General Fund to the Catawba County Art Center the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 for capital expenses.

GOVERNOR REID HOUSE FUNDS

Sec. 157. There is appropriated from the General Fund to the Reidsville Historic Properties Commission the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to restore the Governor Reid House.

FOOTHILL FESTIVAL FUNDS

Sec. 158. There is appropriated from the General Fund to the Foothills Arts Council the sum of two thousand five hundred dollars ($2,500) to sponsor the annual Foothill Festival held in Elkin.

HARMONY HALL FUNDS

Sec. 159. Threre is appropriated from the General Fund to the Lenoir County Historical Association, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to restore Harmony Hall in Kinston.

LAKE WACCAMAW DEPOT MUSEUM FUNDS

Sec. 160. There is appropriated from the General Fund to the Lake Waccamaw Depot Museum the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to support the projects of the Museum.

RIEGELWOOD BRANCH LIBRARY FUNDS

Sec. 161. There is appropriated from the General Fund to the East Columbus Friends of the Library the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to support the East Columbus County Library Branch in Riegelwood.

SOUTHPORT COURTHOUSE FUNDS

Sec. 162. There is appropriated from the General Fund to the City of Southport the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to renovate the Southport Courthouse.

OYSTER FESTIVAL FUNDS

Sec. 163. There is appropriated from the General Fund to the North Carolina Oyster Festival, Incorporated, the sum of one thousand dollars ($1,000) to sponsor the annual Oyster Festival in Brunswick County.

4TH OF JULY FESTIVAL FUNDS

Sec. 164. There is appropriated from the General Fund to the North Carolina 4th of July Festival, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to sponsor the annual 4th of July Festival in Southport.

ARTSCHOOL FUNDS

Sec. 165. There is appropriated from the General Fund to the ArtSchool in Carrboro the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to renovate a building in downtown Carrboro to house the ArtSchool, which is a community-based arts center serving Orange County and the surrounding area.

ALEXANDER DICKSON HOUSE FUNDS

Sec. 166. There is appropriated from the General Fund to the Preservation Fund of Hillsborough, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to restore the Alexander Dickson House in Hillsborough.

LINCOLNTON BICENTENNIAL FUNDS

Sec. 167. There is appropriated from the General Fund to the Town of Lincolnton the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support Lincolnton's bicentennial festivities.

GALLERY THEATRE FUNDS

Sec. 168. There is appropriated from the General Fund to the town of Ahoskie the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to install a heating and air conditioning system in the Gallery Theatre, an historic community theatre located in Hertford County.

KING-BAZEMORE HOUSE FUNDS

Sec. 169. There is appropriated from the General Fund to the Historic Hope Foundation the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to help complete the restoration of the King-Bazemore House located near Windsor in Bertie County.

NORTHAMPTON MUSEUM FUNDS

Sec. 170. There is appropriated from the General Fund to the Northampton County Museum, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses of the Museum.

PAMLICO LIBRARY FUNDS

Sec. 171. There is appropriated from the General Fund to the Craven-Pamlico-Carteret Regional Library System the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for the Pamlico County Library.

COVE CITY LIBRARY FUNDS

Sec. 172. There is appropriated from the General Fund to the Craven-Pamlico-Carteret Regional Library System the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for the Cove City Public Library.

HAVELOCK-CRAVEN LIBRARY FUNDS

Sec. 173. There is appropriated from the General Fund to the Craven-Pamlico-Carteret Regional Library System the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for the Havelock-Craven County Public Library.

VANCEBORO LIBRARY FUNDS

Sec. 174. There is appropriated from the General Fund to the Craven-Pamlico-Carteret Regional Library System the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for the Vanceboro Public Library.

PINETOPS BRANCH LIBRARY FUNDS

Sec. 175. There is appropriated from the General Fund to the Pinetops Branch of the Edgecombe County Memorial Library the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses of the Pinetops Branch Library.

CHAPEL HILL PRESERVATION FUNDS

Sec. 176. There is appropriated from the General Fund to the Chapel Hill Preservation Society the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for the preservation of the Coker estate and other preservation projects of the Society.

MALCOLM BLUE FARM FUNDS

Sec. 177. There is appropriated from the General Fund to the Malcolm Blue Historical Society the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to repair the barns at the Malcolm Blue Farm in Moore County.

WALKER HOTEL FUNDS

Sec. 178. There is appropriated from the General Fund to the Town of Cary the sum of fifteen thousand dolars ($15,000) for fiscal year 1985-86 to restore the Walker Hotel in Cary.

AMERICAN DANCE FESTIVAL FUNDS

Sec. 179. There is appropriated from the General Fund to the American Dance Festival in Durham the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses of the Festival.

DURHAM ARTS COUNCIL FUNDS

Sec. 180. There is appropriated from the General Fund to the Durham County Arts Council the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses of the Council.

GRANVILLE COURTHOUSE FUNDS

Sec. 181. There is appropriated from the General Fund to Granville County the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to restore the Granville County Courthouse.

BLACK ARTISTS' GUILD FUNDS

Sec. 182. There is appropriated from the General Fund to the Black Artists' Guild, Incorporated, of Kinston the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the programs of the Guild.

ARTS COUNCIL FUNDS

Sec. 183. There is appropriated from the General Fund to The Arts Council, Incorporated, in Winston-Salem the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to support the work of the Council and its artistic and cultural organizations in Forsyth County.

CHATHAM HISTORICAL SURVEY FUNDS

Sec. 184. There is appropriated from the General Fund to Chatham County the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to conduct a survey of architecturally and historically significant structures and sites in Chatham County.

WINSTON-SALEM SYMPHONY FUNDS

Sec. 185. There is appropriated from the General Fund to the Winston-Salem Symphony the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses.

PIEDMONT OPERA THEATRE FUNDS

Sec. 186. There is appropriated from the General Fund to the Piedmont Opera Theatre, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to support the productions of the Piedmont Opera Theatre.

WALKER HOTEL FUNDS

Sec. 187. There is appropriated from the General Fund to the Town of Cary the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to restore the Walker Hotel in Cary.

"BLACKBEARD" FUNDS

Sec. 188. There is appropriated from the General Fund to the Committee for an Outdoor Drama at Bath, Incorporated, the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to produce the outdoor drama "Blackbeard - The Knight of the Black Flag".

B H M REGIONAL LIBRARY FUNDS

Sec. 189. There is appropriated from the General Fund to the B H M (Beaufort-Hyde-Martin) Regional Library System the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and to purchase books.

MARTIN COMMUNITY PLAYERS FUNDS

Sec. 190. There is appropriated from the General Fund to the Martin Community Players the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 for operating expenses.

LATHAM HOUSE FUNDS

Sec. 191. There is appropriated from the General Fund to the Latham Foundation the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to assist in the adaptive restoration of the Latham House in Plymouth.

FAYETTEVILLE VISITORS BUREAU HEADQUARTERS FUNDS

Sec. 192. There is appropriated from the General Fund to the City of Fayetteville the sum of eleven thousand dollars ($11,000) for fiscal year 1985-86 to restore Barge's Tavern for use as the headquarters of the Fayetteville Area Visitors Bureau.

HALIFAX HISTORICAL SURVEY FUNDS

Sec. 193. There is appropriated from the General Fund to the Roanoke Rapids Historical Society the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to conduct a survey of historically and architecturally significant structures and sites in Halifax County.

LAKELAND ARTS CENTER FUNDS

Sec. 194. There is appropriated from the General Fund to the Lakeland Cultural Arts Center in Littleton the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital improvements.

SPRING HOPE HISTORICAL MUSEUM FUNDS

Sec. 195. There is appropriated from the General Fund to the Spring Hope Historical Museum the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for capital improvements and operating expenses.

PEMBROKE DEPOT FUNDS

Sec. 196. There is appropriated from the General Fund to the Town of Pembroke Historic Properties Commission the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to restore the Pembroke Depot.

RALEIGH BOYCHOIR FUNDS

Sec. 197. There is appropriated from the General Fund to the Raleigh Boychoir the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses of the Choir.

SAMPSON COMMUNITY THEATRE FUNDS

Sec. 198. There is appropriated from the General Fund to the Sampson Community Theatre in Clinton the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses of the Theatre.

SNOW HILL ARTS CENTER FUNDS

Sec. 199. There is appropriated from the General Fund to the Snow Hill Arts Center the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 for equipment and supplies for the Center.

WINTERVILLE HISTORY AND ARTS SOCIETY FUNDS

Sec. 200. There is appropriated from the General Fund to the Winterville History and Arts Society the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses of the Society.

BURGAW DEPOT FUNDS

Sec. 201. There is appropriated from the General Fund to the Burgaw Jaycees the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to renovate The Railroad Depot for use as a community building.

BURGAW DEPOT FUNDS

Sec. 202. There is appropriated from the General Fund to the Burgaw Jaycees the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to renovate The Railroad Depot for use as a community building.

KANNAPOLIS LIBRARY FUNDS

Sec. 203. There is appropriated from the General Fund to the Cannon Memorial YMCA Public Library the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for capital expenses.

ROANOKE VOYAGES AND ELIZABETH II COMMISSION FUNDS

Sec. 204. There is appropriated from the General Fund to the Roanoke Voyages and Elizabeth II Commission the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to maintain the Roanoke Voyages Corridor to the Elizabethan area.

CHAPEL HILL LIBRARY FUNDS

Sec. 205. There is appropriated from the General Fund to the Town of Chapel Hill the sum of eight thousand five hundred dollars ($8,500) for fiscal year 1985-86 for capital improvements to the Chapel Hill Public Library.

KINGS MOUNTAIN LIBRARY FUNDS

Sec. 206. There is appropriated from the General Fund to the Jacob S. Mauney Memorial Library in Kings Mountain the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses.

FAIRMONT DEPOT FUNDS

Sec. 207. There is appropriated from the General Fund to the Town of Fairmont the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to repair the Fairmont Depot for use as rental offices.

GIBSON DEPOT

Sec. 208. There is appropriated from the General Fund to the Town of Gibson the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to repair the Gibson Depot for use as a community building.

THEATRE IN THE PARK FUNDS

Sec. 209. There is appropriated from the General Fund to the Raleigh Parks and Recreation Department the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to sponsor the Theatre in the Park at Pullen Theatre in Raleigh.

LAKELAND ARTS CENTER FUNDS

Sec. 210. There is appropriated from the General Fund to the Lakeland Cultural Arts Center in Littleton the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses of the Center.

NEWBOLD-WHITE HOUSE FUNDS

Sec. 211. There is appropriated from the General Fund to the Perquimans County Restoration Association the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the continued restoration of the Newbold-White House.

GRANVILLE COURTHOUSE FUNDS

Sec. 212. There is appropriated from the General Fund to Granville County the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to restore the Granville County Courthouse.

NASH CULTURAL CENTER FUNDS

Sec. 213. There is appropriated from the General Fund to the Nash County Cultural Center, Incorporated, the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to rehabilitate the former Nashville Baptist Church for use as the Nash County Cultural Center.

DURHAM INVENTORY FUNDS

Sec. 214. There is appropriated from the General Fund to Durham County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to complete the Durham County Inventory of Natural and Cultural Resources.

HENDERSON YOUTH ORCHESTRA FUNDS

Sec. 215. There is appropriated from the General Fund to the Henderson County Youth Orchestra the sum of seven hundred fifty dollars ($750.00) for fiscal year 1985-86 for operating expenses of the Orchestra.

HENDERSON YOUTH ORCHESTRA FUNDS

Sec. 216. There is appropriated from the General Fund to the Henderson County Youth Orchestra the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to support the Henderson County Youth String Group.

OCRACOKE HISTORIC PRESERVATION SOCIETY

Sec. 217. There is appropriated from the General Fund to the Ocracoke Historic Preservation Society the sum of seven thousand dollars ($7,000) for fiscal year 1985-86 for the restoration of historic buildings on Ocracoke Island and operating expenses of the society.

MOORE ARTS COUNCIL FUNDS

Sec. 218. There is appropriated from the General Fund to the Arts Council of Moore County the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for capital improvements to the Performing Arts Center.

AURORA LIBRARY FUNDS

Sec. 219. There is appropriated from the General Fund to the Aurora Community Library the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and books.

ABERDEEN AND ROCKFISH DEPOT FUNDS

Sec. 220. There is appropriated from the General Fund to the Raeford-Hoke Chamber of Commerce the sum of thirteen thousand dollars ($13,000) for fiscal year 1985-86 to renovate the Aberdeen and Rockfish Depot for use as the headquarters of the Chamber of Commerce.

ROCKINGHAM BICENTENNIAL FUNDS

Sec. 221. There is appropriated from the General Fund to the Rockingham County Bicentennial Commission the sum of ten thousand

dollars ($10,000) for fiscal year 1985-86 for operating expenses and Rockingham County's bicentennial festivities.

BLOUNT BRIDGERS HOUSE FUNDS

Sec. 222. There is appropriated from the General Fund to the Blount Bridgers House Foundation the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to maintain the Blount Bridgers House in Tarboro and the Hobson Pittman Art Collection at the House.

ROANOKE VALLEY ARTS COUNCIL FUNDS

Sec. 223. There is appropriated from the General Fund to the Roanoke Valley Arts Council the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

HALIFAX COUNTY HISTORICAL ASSOCIATION FUNDS

Sec. 224. There is appropriated from the General Fund to the Halifax County Historical Association the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for operating expenses and historic preservation projects of the Association.

GRANVILLE HISTORICAL SURVEY FUNDS

Sec. 225. There is appropriated from the General Fund to Granville County the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to conduct a survey of historically and architecturally significant sites and structures in Granville County.

CASWELL CIVIC CENTER FUNDS

Sec. 226. There is appropriated from the General Fund to the Caswell Civic Center the sum of twelve thousand dollars ($12,000) for fiscal year 1985-86 for operating expenses.

CASWELL HISTORICAL SOCIETY FUNDS

Sec. 227. There is appropriated from the General Fund to the Caswell County Historical Society the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and historic preservation projects of the Society.

DURHAM ARTS COUNCIL FUNDS

Sec. 228. There is appropriated from the General Fund to the Durham Arts Council the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 as a grant-in-aid for operating expenses to support arts projects in the Durham community.

OLD ROCKINGHAM THEATER FUNDS

Sec. 229. There is appropriated from the General Fund to the City of Rockingham the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the continued renovation of the Old Rockingham Theater.

N.C. FAMILY OF THE YEAR FUNDS

Sec. 230. There is appropriated from the General Fund to North Carolina Family of the Year, Incorporated, the sum of twenty-four thousand dollars ($24,000) for fiscal year 1985-86 for operating expenses to promote a North Carolina Family of the Year Award for five North Carolina families each year and to hold a Family of the Year Award banquet in all 100 counties.

ELLERBE-RANKIN MUSEUM FUNDS

Sec. 231. There is appropriated from the General Fund to the Kemp Memorial Library the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for the Ellerbe-Rankin Museum Fund.

CABARRUS CIVIC FOUNDATION FUNDS

Sec. 232. There is appropriated from the General Fund to the Cabarrus Civic Foundation the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to provide a new facility for civic functions, concerts, and other public activities.

CABARRUS ARTS COUNCIL FUNDS

Sec. 233. There is appropriated from the General Fund to the Cabarrus Arts Council, Incorporated, the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for the renovation of offices.

CASWELL COURTHOUSE FUNDS

Sec. 234. There is appropriated from the General Fund to Caswell County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the continued restoration of the Caswell County Courthouse.

GUNN MEMORIAL LIBRARY PAVING FUNDS

Sec. 235. There is appropriated from the General Fund to Caswell County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for paving at the Gunn Memorial Library.

CAROLINA DOGWOOD FESTIVAL FUNDS

Sec. 236. There is appropriated from the General Fund to the Carolina Dogwood Festival the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to sponsor the annual Carolina Dogwood Festival held in Statesville.

REID GOLD MINE HISTORIC SITE FUNDS

Sec. 237. There is appropriated from the General Fund to the Department of Cultural Resources the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to restore equipment at the Reid Gold Mine State Historic Site.

GRANVILLE HISTORICAL SURVEY FUNDS

Sec. 238. There is appropriated from the General Fund to Granville County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to conduct a survey of historically and architecturally significant sites and structures in Granville County.

HARNETT LIBRARY FUNDS

Sec. 239. There is appropriated from the General Fund to the Harnett County Library the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to help construct a library for the county.

TEMPLE THEATRE FUNDS

Sec. 240. There is appropriated from the General Fund to the Temple Theatre, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital improvements.

GENERAL LEE MUSEUM FUNDS

Sec. 241. There is appropriated from the General Fund to the General William C. Lee Memorial Commission, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for capital improvements, historic preservation, and to establish the General William C. Lee Museum.

PRESERVATION JAZZ FUND

Sec. 242. There is appropriated from the General Fund to Preservation Jazz, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for workshops in jazz appreciation.

AMERICA'S QUADRICENTENNIAL ORGANIZATION FUNDS

Sec. 243. There is appropriated from the General Fund to America's Quadricentennial Organization, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for the Triangle Native American Society to promote the identity of the American Indians of the Research Triangle area.

WALKER HOTEL FUNDS

Sec. 244. There is appropriated from the General Fund to the Town of Cary the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to restore the Walker Hotel in Cary.

LAKELAND ARTS CENTER FUNDS

Sec. 245. There is appropriated from the General Fund to the Lakeland Cultural Arts Center in Littleton the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to expand the Center's facilities.

OYSTER FESTIVAL FUNDS

Sec. 246. There is appropriated from the General Fund to the North Carolina Oyster Festival, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to sponsor the annual Oyster Festival in Brunswick County.

4TH OF JULY FESTIVAL FUNDS

Sec. 247. There is appropriated from the General Fund to the North Carolina 4th of July Festival, Incorporated, the sum of one thousand

dollars ($1,000) for fiscal year 1985-86 to sponsor the annual 4th of July Festival in Southport.

MCDOWELL ARTS AND CRAFTS FUNDS

Sec. 248. There is appropriated from the General Fund to the McDowell Arts and Crafts Association, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses.

WASHINGTON/BEAUFORT CIVIC CENTER FUNDS

Sec. 249. There is appropriated from the General Fund to the City of Washington the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for restoration of the railroad station and warehouse, which will be used as headquarters for the Arts Council and as a cultural and civic center.

KINSTON POST OFFICE RENOVATION FUNDS

Sec. 250. There is appropriated from the General Fund to the City of Kinston the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to continue the renovation of Kinston's 1915 Post Office.

CLEVELAND HOUSE FUNDS

Sec. 251. There is appropriated from the General Fund to Old Wilkes, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to move and restore the Robert Cleveland Log House in Wilkesboro.

HICKORY LITTLE THEATRE FUNDS

Sec. 252. There is appropriated from the General Fund to the Hickory Little Theatre, Incorporated, the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for the renovation of the City Auditorium.

RHODODENDRON FESTIVAL FUNDS

Sec. 253. There is appropriated from the General Fund to the Bakersville Lions Club the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating and advertising expenses for the Rhododendron Festival in Mitchell County.

CRAVEN COURTHOUSE FUNDS

Sec. 254. There is appropriated from the General Fund to Craven County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the continued restoration of the Craven County Courthouse.

YADKIN COURTHOUSE FUNDS

Sec. 255. There is appropriated from the General Fund to Yadkin County the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 to renovate the Yadkin County Courthouse.

GRANVILLE COURTHOUSE FUNDS

Sec. 256. There is appropriated from the General Fund to Granville County the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to renovate the Granville County Courthouse.

OLD CAMDEN JAIL FUNDS

Sec. 257. There is appropriated from the General Fund to Camden County the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to restore the Old Camden County Jail.

PITT HISTORICAL SURVEY FUNDS

Sec. 258. There is appropriated from the General Fund to the Pitt County Historical Society the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to conduct an inventory of architecturally and historically significant sites and structures in Pitt County.

KINSTON POST OFFICE RENOVATION FUNDS

Sec. 259. There is appropriated from the General Fund to the City of Kinston the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to continue the renovation of Kinston's 1915 Post Office.

PART 2. EDUCATION

HAYWOOD COUNTY AFTER-SCHOOL FUNDS

Sec. 260. There is appropriated from the General Fund to the Haywood County Board of Education the sum of sixteen thousand dollars ($16,000) for fiscal year 1985-86 to assist in establishing and conducting after-school programs for children in Haywood County.

CARTERET & ONSLOW PHYSICAL EDUCATION FUNDS

Sec. 261. (a) There is appropriated from the General Fund to the Onslow County Board of Education the sum of twenty thousand nine hundred thirty dollars ($20,930) for fiscal year 1985-86 to promote its high school physical education and athletic programs. The Onslow County Board of Education shall allocate these funds to the Onslow County high schools based on their average daily membership in grades 9 through 12. The funds shall be expended in the discretion of the high schools for their physical education and athletic programs.

(b) There is appropriated from the General Fund to the Carteret County Board of Education the sum of ten thousand four hundred thirty dollars ($10,430) for fiscal year 1985-86 to promote its high school physical education and athletic programs. The Carteret County Board of Education shall allocate these funds to the Carteret County high schools based on their average daily membership in grades 9 through 12. The funds shall be expended in the discretion of the high schools for their physical education and athletic programs.

DAVIDSON PUBLIC RADIO FUNDS

Sec. 262. There is appropriated from the General Fund to the Trustees of Davidson College the sum of forty-five thousand dollars

($45,000) for fiscal year 1985-86 to extend the reach of the radio signal of WDAV radio station, provided the sum of forty-three thousand eight hundred fifty dollars ($43,850) is raised by the College to match this grant with non-State funds.

PARKWOOD HIGH SCHOOL LIGHTING FUNDS

Sec. 263. There is appropriated from the General Fund to the Parkwood Athletic Boosters Club the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 to provide lighting at the Parkwood High School ball field, provided a like amount of non-State funds is raised by Parkwood High School to match this appropriation on a dollar-for-dollar basis.

LENOIR COMMUNITY COLLEGE FUNDS

Sec. 264. There is appropriated from the General Fund to the Department of Community Colleges the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 to make repairs at the Greene County Facility of Lenoir Community College.

EAST CAROLINA SUMMER THEATER FUNDS

Sec. 265. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to promote and equip the East Carolina Summer Theater at East Carolina University.

EAST CAROLINA UNIVERSITY FRIENDS OF MUSIC FUNDS

Sec. 266. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for scholarships to the Friends of Music Program at East Carolina University.

PITT COMMUNITY COLLEGE MANUFACTURING AND TECHNICAL PROGRAM FUNDS

Sec. 267. There is appropriated from the General Fund to the Department of Community Colleges the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for a Manufacturing and Technical Program at Pitt Community College.

BLUE RIDGE TECHNICAL COLLEGE FUNDS

Sec. 268. There is appropriated from the General Fund to the Department of Community Colleges the sum of seventy-five thousand dollars ($75,000) for fiscal year 1985-86 to renovate the Transylvania Satellite facilities of Blue Ridge Technical College, provided a like amount of non-State funds is raised by Transylvania County to match this appropriation on a dollar-for-dollar basis.

SHELLEY SCHOOL CHILD DEVELOPMENT FUNDS

Sec. 269. There is appropriated from the General Fund to the Shelley School Child Development Center the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses.

WARREN COUNTY HIGH SCHOOL FUNDS

Sec. 270. There is appropriated from the General Fund to the Warren County Board of Education the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to support Warren County High School.

EAST BURKE HIGH SCHOOL TENNIS FUNDS

Sec. 271. There is appropriated from the General Fund to the East Burke High School Boosters Club the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to resurface the tennis courts at East Burke High School.

WILLIAMS TOWNSHIP HIGH SCHOOL AGGIE CLUB FUNDS

Sec. 272. There is appropriated from the General Fund to the Williams Township High School Aggie Club the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to aid with air conditioning the Williams Township High School auditorium.

JOHNSTON COUNTY CULTURAL ARTS FUNDS

Sec. 273. There is appropriated from the General Fund to the Johnston County Board of Education the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for enrichment of the cultural arts in the Johnston County Public Schools.

PEMBROKE STATE COMPUTER SCHOLARSHIP FUNDS

Sec. 274. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to provide scholarships for summer computer programs at Pembroke State University.

SCOTLAND LITERACY FUNDS

Sec. 275. There is appropriated from the General Fund to the Scotland County Literacy Council the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses.

NORTH DUPLIN HIGH SCHOOL ATHLETIC FUNDS

Sec. 276. There is appropriated from the General Fund to the North Duplin High School Athletic Boosters Club the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for improvement of athletic facilities at North Duplin High School and operating expenses.

EAST DUPLIN HIGH SCHOOL ATHLETIC FUNDS

Sec. 277. There is appropriated from the General Fund to the East Duplin High School Athletic Boosters Club the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for improvement of athletic facilities at East Duplin High School and operating expenses.

KENAN HIGH SCHOOL ATHLETIC FUNDS

Sec. 278. There is appropriated from the General Fund to the James Kenan High School Athletic Boosters Club the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for improvement of athletic facilities at James Kenan High School and operating expenses.

WALLACE-ROSE HILL HIGH SCHOOL ATHLETIC FUNDS

Sec. 279. There is appropriated from the General Fund to the Wallace-Rose Hill High School Athletic Boosters Club the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for improvement of athletic facilities at Wallace-Rose Hill High School and operating expenses.

JONES SENIOR HIGH ATHLETIC FUNDS

Sec. 280. There is appropriated from the General Fund to the Jones Senior High School Athletic Boosters Club the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for improvement of athletic facilities at Jones Senior High School and operating expenses.

PENDER HIGH SCHOOL ATHLETIC FUNDS

Sec. 281. There is appropriated from the General Fund to the Pender High School Athletic Boosters Club the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for improvement of athletic facilities at Pender High School and operating expenses.

WAYNE SCHOOL ALCOHOL EDUCATION FUNDS

Sec. 282. There is appropriated from the General Fund to the Wayne County Board of Education the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for an alcohol education program.

GOLDSBORO CITY SCHOOLS ENDOWMENT FUNDS

Sec. 283. There is appropriated from the General Fund to the Goldsboro City Schools Endowment Program the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to become part of the Endowment Fund in support of the Goldsboro City Schools.

GOLDSBORO CITY SCHOOLS ENDOWMENT FUNDS

Sec. 284. There is appropriated from the General Fund to the Goldsboro City Schools Endowment Program the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to become part of the Endowment Fund in support of the Goldsboro City Schools.

WAYNE COUNTY SCHOOLS FUNDS

Sec. 285. There is appropriated from the General Fund to the Wayne County Board of Education the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to support the Wayne County Public Schools.

SAMPSON MIDDLE SCHOOL IMPROVEMENTS FUNDS

Sec. 286. There is appropriated from the General Fund to the Clinton City Board of Education the sum of ten thousand dollars ($10,000)

for fiscal year 1985-86 to install air conditioning in Sampson Middle School building.

SAMPSON ALUMNI RENOVATION FUNDS

Sec. 287. There is appropriated from the General Fund to the Sampson Alumni Association the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to renovate a school building.

BLADEN TECHNICAL COLLEGE FUNDS

Sec. 288. There is appropriated from the General Fund to the Department of Community Colleges the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to improve the grounds at the Kelly campus of Bladen Technical College.

HALIFAX BOARD OF EDUCATION FUNDS

Sec. 289. There is appropriated from the General Fund to the Halifax County Board of Education the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to support North West Extended Day Care, and the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to support special programs at McIver School.

FREEDOM HIGH SCHOOL FITNESS FUNDS

Sec. 290. There is appropriated from the General Fund to the Freedom High School Athletic Foundation the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for a physical fitness room at Freedom High School.

FAYETTEVILLE STATE UNIVERSITY CONTINUING EDUCATION FUNDS

Sec. 291. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the Fayetteville State University Center for Continuing Education to support the Three R's Camp.

MARY ELLEN NELSON SCHOOL FUNDS

Sec. 292. There is appropriated from the General Fund to the Mary Ellen Nelson School in Gastonia the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to support the school's swimming pool project for handicapped pupils.

EAST RUTHERFORD HIGH SCHOOL FUNDS

Sec. 293. There is appropriated from the General Fund to the Rutherford County Board of Education the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to construct a baseball field at East Rutherford High School.

NORTHAMPTON HI-WEST SUMMER PROGRAM FUNDS

Sec. 294. There is appropriated from the General Fund to the Northampton County Board of Education the sum of five thousand dollars

($5,000) for fiscal year 1985-86 to support the summer program at Northampton Hi-West in Gumberry.

TRANSYLVANIA SCHOOL ENRICHMENT FUNDS

Sec. 295. There is appropriated from the General Fund to the Transylvania County Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for enrichment of the school programs.

HENDERSON COUNTY SCHOOL ENRICHMENT FUNDS

Sec. 296. There is appropriated from the General Fund to the Henderson County Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for enrichment of the school programs.

HENDERSONVILLE CITY SCHOOL ENRICHMENT FUNDS

Sec. 297. There is appropriated from the General Fund to the Hendersonville City Board of Education the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 for enrichment of the school programs.

SWAIN SCHOOL ENRICHMENT FUNDS

Sec. 298. There is appropriated from the General Fund to the Swain County Board of Education the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for supplemental and enrichment programs in the schools.

GRAHAM SCHOOL ENRICHMENT FUNDS

Sec. 299. There is appropriated from the General Fund to the Graham County Board of Education the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for enrichment of the school programs.

CLAY SCHOOL ENRICHMENT FUNDS

Sec. 300. There is appropriated from the General Fund to the Clay County Board of Education the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for enrichment activities in the schools.

MACON SCHOOL ENRICHMENT FUNDS

Sec. 301. There is appropriated from the General Fund to the Macon County Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for supplemental and enrichment programs in the schools.

JACKSON SCHOOL ENRICHMENT FUNDS

Sec. 302. There is appropriated from the General Fund to the Jackson County Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for supplemental and enrichment programs in the schools.

WESTERN CAROLINA UNIVERSITY MOUNTAIN HERITAGE CENTER FUNDS

Sec. 303. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for the preservation of the "Migration of the Scotch-Irish People" Exhibit at the Mountain Heritage Center at Western Carolina University.

CHEROKEE SCHOOL ENRICHMENT FUNDS

Sec. 304. There is appropriated from the General Fund to the Cherokee County Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for enrichment of the school programs.

HAYWOOD EDUCATIONAL ENRICHMENT FUNDS

Sec. 305. There is appropriated from the General Fund to the Haywood County Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to operate the Community Educational Enrichment Program.

WESTERN CAROLINA UNIVERSITY FUNDS

Sec. 306. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to design and test a system at Western Carolina University that will provide better access to historic land records.

NORTHWOOD HIGH SCHOOL TRACK FUNDS

Sec. 307. There is appropriated from the General Fund to the Chatham County Board of Education the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 to build a new track at Northwood High School.

NORTHWOOD HIGH SCHOOL TRACK FUNDS

Sec. 308. There is appropriated from the General Fund to the Chatham County Board of Education the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to pave a 400-meter track, with curbing and fencing, at Northwood High School.

HENDERSONVILLE CITY SCHOOL FUNDS

Sec. 309. There is appropriated from the General Fund to the Hendersonville City Board of Education the sum of four thousand five hundred dollars ($4,500) for fiscal year 1985-86 to provide after-school funding for children in the Hendersonville Schools.

HENDERSON COUNTY SCHOOL FUNDS

Sec. 310. There is appropriated from the General Fund to the Henderson County Board of Education the sum of fourteen thousand five hundred dollars ($14,500) for fiscal year 1985-86 to provide after-school funding for children in the Henderson County Schools.

EXPERIMENT IN SELF-RELIANCE FUNDS

Sec. 311. There is appropriated from the General Fund to the Winston-Salem Experiment in Self-Reliance, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for tutorial classes to assist students recommended by the Forsyth County Board of Education in improving their reading, writing, and mathematics skills.

TRYON CITY SCHOOLS FUNDS

Sec. 312. There is appropriated from the General Fund to the Tryon City Board of Education the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for after-school programs of the Tryon City Schools.

TRYON CITY SCHOOL ENRICHMENT FUNDS

Sec. 313. There is appropriated from the General Fund to the Tryon City Board of Education the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for enrichment of the school programs.

SAMPSON ALUMNI RENOVATION FUNDS

Sec. 314. There is appropriated from the General Fund to the Sampson Alumni Association the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for building renovation.

POLK SCHOOL ENRICHMENT FUNDS

Sec. 315. There is appropriated from the General Fund to the Polk County Board of Education the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for enrichment of the school programs.

JOHNSTON TECHNICAL COLLEGE FUNDS

Sec. 316. There is appropriated from the General Fund to the Department of Community Colleges the sum of forty thousand dollars ($40,000) for fiscal year 1985-86 to complete a training tower for firemen and rescue squad personnel at Johnston Technical College.

JOHNSON C. SMITH UNIVERSITY FUNDS

Sec. 317. There is appropriated from the General Fund to the Johnson C. Smith University the sum of thirty-two thousand five hundred dollars ($32,500) for fiscal year 1985-86. Of these funds, the sum of twenty-seven thousand five hundred dollars ($27,500) is to be used by the Urban Studies Department of the University to support a pilot project to identify unemployed residents of State Senate District 33 and job vacancies of employers in District 33 and to study the feasibility of creating an employer/employee jobs bank to reduce unemployment and commuting costs; and the sum of five thousand dollars ($5,000) is to be used to support the Afro-American Children's Theatre to develop, polish, and expose the creative skills of inner-city youth.

JOHNSTON CENTRAL ALUMNI ASSOCIATION FUNDS

Sec. 318. There is appropriated from the General Fund to the Johnston Central Alumni Association the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to renovate the old high school building.

TRANSYLVANIA LATCHKEY FUNDS

Sec. 319. There is appropriated from the General Fund to the Transylvania County Board of Education the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to provide after-school care for latchkey children in Transylvania County.

HENDERSON STRING PARENTS ASSOCIATION FUNDS

Sec. 320. There is appropriated from the General Fund to the Henderson County String Parents Association, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to support the string program in the Henderson County Public Schools.

JOHN R. HAWKINS ALUMNI AND FRIENDS FUNDS

Sec. 321. There is appropriated from the General Fund to John R. Hawkins Alumni and Friends, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the scholarship and building fund.

CHEROKEE AFTER-SCHOOL FUNDS

Sec. 322. There is appropriated from the General Fund to the Cherokee County Board of Education the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for after-school activities in the Cherokee County Schools.

CLAY AFTER-SCHOOL FUNDS

Sec. 323. There is appropriated from the General Fund to the Clay County Board of Education the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 for after-school activities in the Clay County Schools.

SWAIN AFTER-SCHOOL FUNDS

Sec. 324. There is appropriated from the General Fund to the Swain County Board of Education the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for after-school activities in the Swain County Schools.

GRAHAM AFTER-SCHOOL FUNDS

Sec. 325. There is appropriated from the General Fund to the Graham County Board of Education the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for after-school activities in the Graham County Schools.

JACKSON AFTER-SCHOOL FUNDS

Sec. 326. There is appropriated from the General Fund to the Jackson County Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for after-school activities in the Jackson County Schools.

POLK AFTER-SCHOOL FUNDS

Sec. 327. There is appropriated from the General Fund to the Polk County Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for after-school activities in the Polk County Schools.

TRANSYLVANIA AFTER-SCHOOL FUNDS

Sec. 328. There is appropriated from the General Fund to the Transylvania County Board of Education the sum of six thousand dollars ($6,000) for fiscal year 1985-86 for after-school activities in the Transylvania County Schools.

MACON AFTER-SCHOOL FUNDS

Sec. 329. There is appropriated from the General Fund to the Macon County Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for after-school activities in the Macon County Schools.

CAROL C. WILSON SCHOLARSHIP FUNDS

Sec. 330. There is appropriated from the General Fund to the Carol C. Wilson Memorial Scholarship Fund, Incorporated, the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to provide scholarships for minority students to attend law school.

HENDERSON INSTITUTE GRADUATES FUNDS

Sec. 331. There is appropriated from the General Fund to the Henderson Institute Graduates and Former Students, Incorporated, the sum of seven thousand dollars ($7,000) for fiscal year 1985-86 for operating expenses and for the Henderson Institute Library Restoration Fund.

HENDERSON INSTITUTE GRADUATES FUNDS

Sec. 332. There is appropriated from the General Fund to the Henderson Institute Graduates and Former Students, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses and for the Henderson Institute Library Restoration Fund.

CENTRAL PIEDMONT COMMUNITY COLLEGE FUNDS

Sec. 333. There is appropriated from the General Fund to the Department of Community Colleges the sum of nine thousand six hundred seventy-two dollars and thirty-six cents ($9,672.36) for fiscal year 1985-86 to reimburse Central Piedmont Community College for equipment purchased to provide reading services for the blind.

NORTHAMPTON HIGH SCHOOL-WEST FUNDS

Sec. 334. There is appropriated from the General Fund to the Northampton County Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide operating expenses for a summer program at Northampton High School-West.

NORTHWOOD HIGH SCHOOL FUNDS

Sec. 335. There is appropriated from the General Fund to the Board of Education of Chathan County the sum of two thousand five hundred

dollars ($2,500) for fiscal year 1985-86 for Northwood High School to help with the purchase of new band uniforms.

REMEDIAL EDUCATION ACTIVITY PROGRAM FUNDS

Sec. 336. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to provide equipment and supplies for the Remedial Education Activity Program (REAP) at East Carolina University, which serves children, ages two through eight, who are moderately, severely, or profoundly retarded.

JOHN WESLEY TUTORIAL PROGRAM FUNDS

Sec. 337. Section 254 of Chapter 1114, 1983 Session Laws, is amended by deleting "E. E. Smith Association of Alumni and Friends, Incorporated" and substituting "John Wesley Tutorial Program".

DUPLIN HIGH SCHOOL ATHLETIC FUNDS

Sec. 338. There is appropriated from the General Fund to the Duplin County Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to be divided equally among the four high schools in Duplin County for their athletic programs.

CHILDREN'S CENTER FUNDS

Sec. 339. There is appropriated from the General Fund to the Shelby City Board of Education the sum of thirty-five thousand dollars ($35,000) for fiscal year 1985-86 to help construct a shop building for the children's center.

JOHNSTON CENTRAL ALUMNI FUNDS

Sec. 340. There is appropriated from the General Fund to the Johnston Central Alumni Association the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for building renovations.

GREENE CENTRAL HIGH SCHOOL MUSIC FUNDS

Sec. 341. There is appropriated from the General Fund to the Greene County Music Booster Club the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for band equipment and carpet in the music building at Greene Central High School.

GREENE CENTRAL HIGH SCHOOL LIGHTING FUNDS

Sec. 342. There is appropriated from the General Fund to the Greene County Athletic Booster Club the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for lighting on the athletic field at Greene Central High School.

EAST LAURINBURG SCHOOL PLAYGROUND FUNDS

Sec. 343. There is appropriated from the General Fund to the Scotland County Board of Education the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for playground equipment at East Laurinburg Primary School.

ROBERDEL CHILDREN CENTER FUNDS

Sec. 344. There is appropriated from the General Fund to the Roberdel Children Center the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for playground equipment at the Roberdel Children Center in Rockingham.

GOLDSBORO CITY SCHOOL ATHLETIC, BAND, AND ENRICHMENT FUNDS

Sec. 345. There is appropriated from the General Fund to the Goldsboro City Board of Education the sum of twelve thousand dollars ($12,000) for fiscal year 1985-86 for athletic, band, and school enrichment programs in the Goldsboro City Schools.

WAYNE COUNTY SCHOOLS COMPUTER FUNDS

Sec. 346. There is appropriated from the General Fund to the Wayne County Board of Education the sum of twelve thousand dollars ($12,000) for fiscal year 1985-86 to purchase computers for Rosewood High School, Eastern Wayne High School, Southern Wayne High School, and Charles B. Aycock High School. The sum of three thousand dollars ($3,000) is to be allocated to each of these high schools for this purpose.

CASWELL SATELLITE CAMPUS FUNDS

Sec. 347. There is appropriated from the General Fund to Caswell County the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to purchase equipment for the proposed community college satellite facility.

DAVIDSON COMMUNITY COLLEGE PLANNING FUNDS

Sec. 348. There is appropriated from the General Fund to the Department of Community Colleges the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 to study the capital improvement needs of Davidson Community College and to plan for these needs.

N.C. FLAGS AT SCHOOLS FUNDS

Sec. 349. There is appropriated from the General Fund to the Department of Public Education the sum of forty thousand dollars ($40,000) for fiscal year 1985-86 to purchase a North Carolina flag for display outside each public school in North Carolina. Any funds remaining after purchasing a flag for each public school shall be used to purchase additional flags that shall be allocated equally between the Speaker of the House of Representatives and the Lieutenant Governor, who shall distribute the flags in their discretion.

SIR WALTER RALEIGH GARDEN FUNDS

Sec. 350. There is appropriated from the General Fund to the Department of Community Colleges the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to be used by Sandhills Community College to create the Sir Walter Raleigh Historical Garden in celebration of America's 400th anniversary.

HIDDENITE CENTER FUNDS

Sec. 351. There is appropriated from the General Fund to the Hiddenite Center the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to help rebuild the Hiddenite Center in Alexander County.

VOLUNTEERS IN PARTNERSHIP WITH PARENTS FUNDS

Sec. 352. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for the Volunteers in Partnership with Parents in Martin County, administered through the East Carolina University School of Medicine, to provide services to retarded children and their families.

WFAE PUBLIC RADIO FUNDS

Sec. 353. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the operating and capital expenses of Public Radio Station WFAE.

HAYWOOD SCHOOLS FINANCIAL DEVELOPMENT PROGRAM FUNDS

Sec. 354. There is appropriated from the General Fund to the Haywood County Board of Education the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 to establish a Comprehensive Financial Development Program for the Haywood County Schools, provided the sum of twenty-five thousand dollars ($25,000) is raised by the Haywood County Board of Education to match this appropriation on the basis of one dollar ($1.00) of local funds for every two dollars ($2.00) of State funds. To match State funds, the Haywood County Board of Education may use funds raised prior to fiscal year 1985-86 for the Comprehensive Financial Development Program.

CATAWBA VALLEY TECHNICAL COLLEGE FUNDS

Sec. 355. There is appropriated from the General Fund to the Department of Community Colleges the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to pilot small business training programs at Catawba Valley Technical College.

SHELLEY SCHOOL CHILD DEVELOPMENT FUNDS

Sec. 356. There is appropriated from the General Fund to the Shelley School Child Development Center the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to provide funds for operating expenses.

MCDOWELL AGRICULTURAL EXTENSION FUNDS

Sec. 357. There is appropriated from the General Fund to McDowell Agricultural Extension Service the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses.

GRAINGER STADIUM FUNDS

Sec. 358. There is appropriated from the General Fund to the City of Kinston the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to renovate and repair Grainger Stadium in Kinston.

N.C. VOCATIONAL TEXTILE SCHOOL FUNDS

Sec. 359. There is appropriated from the General Fund to the Department of Community Colleges the sum of thirteen thousand two hundred fifty-five dollars ($13,255) for fiscal year 1985-86 for the North Carolina Vocational Textile School in Gastonia.

FAYETTEVILLE BUSINESS LEAGUE FUNDS

Sec. 360. There is appropriated from the General Fund to the Fayetteville Business League the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 to promote small businesses.

SPRING LAKE CIVIC CENTER FUNDS

Sec. 361. There is appropriated from the General Fund to the Spring Lake Civic Center the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to complete the construction of the Center.

TABOR CITY/SOUTHERN COLUMBUS INDUSTRIAL DEVELOPMENT FUNDS

Sec. 362. There is appropriated from the General Fund to the Tabor City Committee of 100 the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to aid in the industrial development of the Tabor City area and southern Columbus County.

CHADBOURN/WESTERN COLUMBUS INDUSTRIAL DEVELOPMENT FUNDS

Sec. 363. There is appropriated from the General Fund to the Chadbourn Committee of 100 the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to aid in the industrial development of the Chadbourn community and western Columbus County.

FAIR BLUFF COMMUNITY PROJECTS FUNDS

Sec. 364. There is appropriated from the General Fund to the Greater Fair Bluff Chamber of Commerce the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for community projects, including the Fair Bluff Farmers Festival.

CHADBOURN COMMUNITY PROJECTS FUNDS

Sec. 365. There is appropriated from the General Fund to the Greater Chadbourn Chamber of Commerce the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for community projects, including the North Carolina Strawberry Festival held annually in Chadbourn.

TABOR CITY COMMUNITY PROJECTS FUNDS

Sec. 366. There is appropriated from the General Fund to the Greater Tabor City Chamber of Commerce the sum of three thousand

dollars ($3,000) for fiscal year 1985-86 for community projects, including the Tabor City Labor Jubilee.

DHA YOUTH ENRICHMENT PROGRAM FUNDS

Sec. 367. There is appropriated from the General Fund to the Housing Authority of the City of Durham the sum of twelve thousand five hundred dollars ($12,500) for fiscal year 1985-86 to be used for a youth enrichment experience program for public housing youths.

WVSP PUBLIC RADIO FUNDS

Sec. 368. There is appropriated from the General Fund to Sound and Print United, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital and operating expenses of WVSP, a public radio station serving northeastern North Carolina.

WAYNE BOYS CLUB FUNDS

Sec. 369. There is appropriated from the General Fund to the Wayne County Boys Club of Goldsboro the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to be placed in the Club's endowment fund for operating expenses.

RICHLANDS PARK FUNDS

Sec. 370. There is appropriated from the General Fund to the Town of Richlands the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for resurfacing of a basketball court and other improvements to the Town of Richlands Park.

MADISON COLORED/CHARLES DREW FUNDS

Sec. 371. There is appropriated from the General Fund to the Madison Colored and Charles Drew Alumni Association, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 as a grant-in-aid for general operating expenses.

FAIRCHILD COMMUNITY STADIUM FUNDS

Sec. 372. There is appropriated from the General Fund to the City of Burlington the sum of seventy-five thousand dollars ($75,000) for fiscal year 1985-86 to renovate and repair the Fairchild Community Stadium.

SAMPSON/CLINTON AGRI-CIVIC CENTER FUNDS

Sec. 373. There is appropriated from the General Fund to the Town of Clinton the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to construct an Agri-Civic Center for Sampson County and the Town of Clinton.

SAMPSON/CLINTON AGRI-CIVIC CENTER FUNDS

Sec. 374. There is appropriated from the General Fund to the Town of Clinton the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to construct an Agri-Civic Center for Sampson County and the Town of Clinton.

WHQR PUBLIC RADIO FUNDS

Sec. 375. There is appropriated from the General Fund to the Friends of Public Radio, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 as a grant-in-aid for operating expenses.

MYRTLE GROVE COMMUNITY CENTER FUNDS

Sec. 376. There is appropriated from the General Fund to the Myrtle Grove Community Center the sum of three thousand dollars ($3,000) for fiscal year 1985-86 as a grant-in-aid for general operating expenses.

MOUNT OLIVE REVITALIZATION FUNDS

Sec. 377. There is appropriated from the General Fund to the Mount Olive Chamber of Commerce the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for downtown revitalization purposes by the Downtown Revitalization Commission.

MINORITY BUSINESS THINK TANK FUNDS

Sec. 378. There is appropriated from the General Fund to the North Carolina Association of Minority Business the sum of five thousand dollars ($5,000) for fiscal year 1985-86 as a grant-in-aid for operation of a think tank.

FAYETTEVILLE-CUMBERLAND CITIZENS ASSOCIATION FUNDS

Sec. 379. There is appropriated from the General Fund to the Fayetteville-Cumberland County Citizens Association the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for community projects.

PROCTORVILLE COMMUNITY CENTER FUNDS

Sec. 380. There is appropriated from the General Fund to the Town of Proctorville the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for repairs to the Proctorville Community Center Building.

WAGRAM MUNICIPAL BUILDING FUNDS

Sec. 381. There is appropriated from the General Fund to the Town of Wagram the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to repair the Wagram Municipal Building.

MOUNT OLIVE BOYS CLUB FUNDS

Sec. 382. There is appropriated from the General Fund to the Boys Club of Mount Olive the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 as a grant-in-aid for general operating expenses.

TOWN OF PIKEVILLE FUNDS

Sec. 383. There is appropriated from the General Fund to the Town of Pikeville the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to be used exclusively for the development of a public park.

SALEMBURG COMMUNITY CENTER FUNDS

Sec. 384. There is appropriated from the General Fund to the Salemburg Community Center the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to repair and renovate the Salemburg Community Center.

SAMPSON VOTER LEAGUE FUNDS

Sec. 385. There is appropriated from the General Fund to the Sampson County Voter League the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for general operating expenses.

EAST ARCADIA GYM FUNDS

Sec. 386. There is appropriated from the General Fund to the Town of East Arcadia the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for restoration of a gymnasium in the Town of East Arcadia.

WILLARLEA COMMUNITY BUILDING FUNDS

Sec. 387. There is appropriated from the General Fund to the Willarlea Ruritan Club the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for repairs to the Willarlea Community Building.

BLADEN 4-H PROGRAM FUNDS

Sec. 388. There is appropriated from the General Fund to Bladen County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to construct buildings for the 4-H Program.

COUNCIL OF WOMEN'S ORGANIZATION FUNDS

Sec. 389. There is appropriated from the General Fund to the North Carolina Council of Women's Organizations, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 as a grant- in-aid for general operating expenses.

COUNCIL ON STATUS OF WOMEN FUNDS

Sec. 390. There is appropriated from the General Fund to Winston-Salem/Forsyth County Council on the Status of Women, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 as a grant-in-aid for general operating expenses.

SUNNYSIDE SCHOOL FUNDS

Sec. 391. There is appropriated from the General Fund to the Town of Shallotte the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to renovate the Sunnyside School.

HOLLOWOOD HEIGHTS FUNDS

Sec. 392. There is appropriated from the General Fund to the Hollowood Heights Improvement Association the sum of seven thousand five hundred dollars ($7,500) for fiscal year 1985-86 for expenditures for recreational equipment and programs for the benefit of the Hollowood Heights area.

MAPLE HILL COMMUNITY CENTER FUNDS

Sec. 393. There is appropriated from the General Fund to the Maple Hill Community Center the sum of one thousand dollars ($1,000) for fiscal year 1985-86 as a grant-in-aid for general operating expenses.

ONSLOW WOMEN'S CLUB CENTER FUNDS

Sec. 394. There is appropriated from the General Fund to the Onslow County Women's Club Center, Incorporated, the sum of nine thousand dollars ($9,000) for fiscal year 1985-86 as a grant-in-aid for general operating expenses.

CANETUCK COMMUNITY CENTER FUNDS

Sec. 395. There is appropriated from the General Fund to the Canetuck Community Center the sum of one thousand dollars ($1,000) for fiscal year 1985-86 as a grant-in-aid for general operating expenses.

THOMPSON MEMORIAL COMMUNITY CENTER FUNDS

Sec. 396. There is appropriated from the General Fund to the Thompson Memorial Community Center the sum of eight hundred dollars ($800.00) for fiscal year 1985-86 as a grant-in-aid for general operating expenses.

DHA YOUTH ENRICHMENT PROGRAM FUNDS

Sec. 397. There is appropriated from the General Fund to the Housing Authority of the City of Durham the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for a youth enrichment experience program for public housing youths.

NORTHERN FAIRVIEW COMMUNITY PARK FUNDS

Sec. 398. There is appropriated from the General Fund to Orange County the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to develop a park in the Northern Fairview Community.

ORANGE CONGREGATIONS IN MISSIONS FUNDS

Sec. 399. There is appropriated from the General Fund to Orange Congregations in Missions the sum of two thousand dollars ($2,000) for fiscal year 1985-86 as a grant-in-aid for operating expenses, other than expenses incurred to support a program of pastoral counseling.

CHARLOTTE AREA FUNDS

Sec. 400. There is appropriated from the General Fund to the Charlotte Area Fund, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 as a grant-in-aid for operating expenses.

DURHAM BUSINESS AND PROFESSIONAL CHAIN FUNDS

Sec. 401. There is appropriated from the General Fund to the Durham Business and Professional Chain, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 as a grant-in-aid for the general operating expenses of its Foundation Program.

LEJEUNE DEVELOPMENT CENTER FUNDS

Sec. 402. There is appropriated from the General Fund to the Onslow-Camp LeJeune Development Center, Incorporated, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for construction and renovation of facilities for retarded children.

BLADEN IMPROVEMENT ASSOCIATION FUNDS

Sec. 403. There is appropriated from the General Fund to the Bladen County Improvement Association the sum of one thousand dollars ($1,000) for fiscal year 1985-86 as a grant-in-aid for general operating expenses.

F.I.G.S. OF WAKE FUNDS

Sec. 404. There is appropriated from the General Fund to F.I.G.S. of Wake County, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 as a grant-in-aid for general operating expenses of its emergency assistance programs.

DILLARD BUILDING FUNDS

Sec. 405. There is appropriated from the General Fund to the Dillard Building, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to be used exclusively for capital improvements to the Dillard Building.

DILLARD BUILDING FUNDS

Sec. 406. There is appropriated from the General Fund to the Dillard Building, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for renovations to the Dillard Building to create an incubator facility for new businesses.

GATE CITY JUNIOR TENNIS ACADEMY FUNDS

Sec. 407. There is appropriated from the General Fund to the Gate City Junior Tennis Academy the sum of seven hundred fifty dollars ($750.00) for fiscal year 1985-86 for tennis scholarships for youths from low-income families.

CANAL ARTS CENTER FUNDS

Sec. 408. There is appropriated from the General Fund to the Roanoke Valley Arts Council the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to renovate the Canal Arts Center.

ROCKY MOUNT CHILDREN'S MUSEUM FUNDS

Sec. 409. There is appropriated from the General Fund to the Rocky Mount Children's Museum the sum of thirty thousand dollars ($30,000) for fiscal year 1985-86 for capital improvements and operating expenses.

WHITEVILLE FRIENDS OF THE AUDITORIUM FUNDS

Sec. 410. There is appropriated from the General Fund to the Friends of the Auditorium Committee of Whiteville the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to renovate the Whiteville Auditorium.

WINSTON-SALEM/FORSYTH YWCA FUNDS

Sec. 411. There is appropriated from the General Fund to the YWCA of Winston-Salem/Forsyth County the sum of seven thousand five hundred dollars ($7,500) for fiscal year 1985-86 for construction and furnishing costs of the YWCA Renaissance Campaign.

WINSTON-SALEM/FORSYTH YWCA FUNDS

Sec. 412. There is appropriated from the General Fund to the YWCA of Winston-Salem/Forsyth County the sum of seven thousand five hundred dollars ($7,500) for fiscal year 1985-86 for construction and furnishing costs of the YWCA Renaissance Campaign.

CLUB 15 COMMUNITY CENTER FUNDS

Sec. 413. There is appropriated from the General Fund to Club 15, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to develop a community center.

PITTSBORO COMMUNITY HOUSE FUNDS

Sec. 414. There is appropriated from the General Fund to the Town of Pittsboro the sum of three thousand five hundred dollars ($3,500) for fiscal year 1985-86 to renovate the Pittsboro Community House.

BENSON REVITALIZATION FUNDS

Sec. 415. There is appropriated from the General Fund to the Town of Benson the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for a downtown revitalization project for the Town of Benson.

BETHEL RECREATION FUNDS

Sec. 416. There is appropriated from the General Fund to the Town of Bethel the sum of three thousand five hundred dollars ($3,500) for fiscal year 1985-86 to support programs for senior citizens and recreation by the Bethel Recreation Department.

PITTSBORO BICENTENNIAL FUNDS

Sec. 417. There is appropriated from the General Fund to the Town of Pittsboro the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 for the planning and execution of the Pittsboro bicentennial festivities.

SILER CITY CENTENNIAL FUNDS

Sec. 418. There is appropriated from the General Fund to the Town of Siler City the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 for the planning and implementation of Siler City's centennial celebration, including the commission of a written history.

SOUTHERN PINES CENTENNIAL FUNDS

Sec. 419. There is appropriated from the General Fund to the Town of Southern Pines the sum of one thousand dollars ($1,000) for fiscal year

1985-86 for the planning and execution of the Town of Southern Pines' centennial celebration.

PRINCEVILLE STREET FUNDS

Sec. 420. There is appropriated from the General Fund to the Town of Princeville the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for street improvements.

RANDOLPH WOMEN'S AID FUNDS

Sec. 421. There is appropriated from the General Fund to Randolph County Women's Aid, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses.

JOHN AVERY BOYS CLUB FUNDS

Sec. 422. There is appropriated from the General Fund to the John Avery Boys Club of Durham the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses to develop the moral character of young boys.

NATIONAL BLACK CHILD DEVELOPMENT INSTITUTE FUNDS

Sec. 423. There is appropriated from the General Fund to the National Black Child Development Institute, Greensboro Affiliate, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for its youth enrichment program.

TRI-COUNTY SPOUSE ABUSE SERVICES FUNDS

Sec. 424. There is appropriated from the General Fund to Tri-County Spouse Abuse Services the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses.

ALBEMARLE HOPELINE FUNDS

Sec. 425. There is appropriated from the General Fund to the Albemarle Hopeline the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to continue the Crisis Line and the shelter and counseling service for battered spouses and children.

HAYETAYLOR YMCA FUNDS

Sec. 426. There is appropriated from the General Fund to the Hayes-Taylor YMCA of Greensboro the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to purchase memberships to the Hayes-Taylor YMCA for underprivileged children.

WVSP PUBLIC RADIO FUNDS

Sec. 427. There is appropriated from the General Fund to Sound and Print United, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 as a grant-in-aid for general operating expenses of WVSP Public Radio Station in Warrenton.

TYRRELL HALL FUNDS

Sec. 428. There is appropriated from the General Fund to Tyrrell County the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for the maintenance and upkeep of Tyrrell Hall.

PERQUIMANS/HERTFORD HISTORY FUNDS

Sec. 429. There is appropriated from the General Fund to the Town of Hertford the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to print a history of Perquimans County and the Town of Hertford, provided a like amount of non-State funds is raised by the Town of Hertford to match this appropriation on a dollar-for-dollar basis.

POWELLSVILLE RECREATION FUNDS

Sec. 430. There is appropriated from the General Fund to the Powellsville Civic and Recreation Corporation the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for repairs to the Powellsville community activities building.

ASSEMBLY OF VANCE FUNDS

Sec. 431. There is appropriated from the General Fund to the Assembly of Vance the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to support various community projects and assistance programs.

COHARIE INDIAN TRIBE FUNDS

Sec. 432. There is appropriated from the General Fund to the Coharie Indian Tribal Council the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to renovate the Coharie Indian Tribe headquarters building.

ROSEBORO RECREATION FUNDS

Sec. 433. There is appropriated from the General Fund to the Town of Roseboro the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to renovate a recreation building.

CHADBOURN COMMUNITY PROJECTS FUNDS

Sec. 434. There is appropriated from the General Fund to the Greater Chadbourn Chamber of Commerce the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for community projects, including the North Carolina Strawberry Festival held annually in Chadbourn.

BELHAVEN WATERFRONT IMPROVEMENT FUNDS

Sec. 435. There is appropriated from the General Fund to the Town of Belhaven the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 for waterfront improvements at Wynn's Gut.

COLUMBUS STATUS OF WOMEN COMMISSION FUNDS

Sec. 436. There is appropriated from the General Fund to the Columbus County Status of Women Commission the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to help support community projects.

OUTER BANKS CONSERVATIONISTS FUNDS

Sec. 437. There is appropriated from the General Fund to the Outer Banks Conservationists, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for restoration of the Currituck Beach Lighthouse and Keepers' House.

ROXBORO DOWNTOWN REVITALIZATION FUNDS

Sec. 438. There is appropriated from the General Fund to the City of Roxboro the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for renovation of the downtown area of Roxboro.

LAKE LOUISE FUNDS

Sec. 439. There is appropriated from the General Fund to the Town of Weaverville the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to assist in removing vegetation from Lake Louise.

LAKE LOUISE FUNDS

Sec. 440. There is appropriated from the General Fund to the Town of Weaverville the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to assist in removing vegetation from Lake Louise.

ATLANTIC DISTRICT EDUCATIONAL BUILDING FUNDS

Sec. 441. There is appropriated from the General Fund to Hertford County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to restore the Atlantic District Educational Building.

GIBSON COMMUNITY CENTER FUNDS

Sec. 442. There is appropriated from the General Fund to the Gibson Community Development Association the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for repairs to the Gibson Community Center.

TROY PARK FUNDS

Sec. 443. There is appropriated from the General Fund to the Town of Troy the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for development of a Town Park.

MARSHALL POLICE FUNDS

Sec. 444. There is appropriated from the General Fund to the Town of Marshall the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the purchase of a police car.

HAMLET SENIOR CITIZENS AND CITY LAKE FUNDS

Sec. 445. There is appropriated from the General Fund to the City of Hamlet the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the Senior Citizens Center and for City Lake improvements.

TROY PARK FUNDS

Sec. 446. There is appropriated from the General Fund to the Town of Troy the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for development of a Town Park.

DOBBINS HEIGHTS FUNDS

Sec. 447. There is appropriated from the General Fund to the Town of Dobbins Heights the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for city improvements.

HAMLET SENIOR CITIZENS AND CITY LAKE FUNDS

Sec. 448. There is appropriated from the General Fund to the City of Hamlet the sum of four thousand six hundred dollars ($4,600) for fiscal year 1985-86 to provide funds for the Senior Citizens Center and for City Lake improvements.

COVINGTON MEMORIAL PARK FUNDS

Sec. 449. There is appropriated from the General Fund to the Town of Rural Hall the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to pave the road at Covington Memorial Park.

COVINGTON MEMORIAL PARK FUNDS

Sec. 450. There is appropriated from the General Fund to the Town of Rural Hall the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to pave the road at Covington Memorial Park.

CASWELL CIVIC CENTER FUNDS

Sec. 451. There is appropriated from the General Fund to Caswell County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the Caswell County Civic Center.

SOUTHERN GOVERNORS' CONFERENCE FUNDS

Sec. 452. There is appropriated from the General Fund to the Office of the Governor the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86 to be placed in a reserve for the Southern Governors' Conference to be held in Raleigh. Any funds not used for this purpose at the end of the 1985-86 fiscal year shall revert to the General Fund.

STATE AIR TRANSPORTATION FUNDS

Sec. 453. There is appropriated from the General Fund to the Department of Commerce the sum of two million dollars ($2,000,000) for fiscal year 1985-86 to improve the quality of the State's air transportation capability.

DILLARD BUILDING FUNDS

Sec. 454. There is appropriated from the General Fund to the Dillard Building, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for development of an incubator facility for small businesses in the Dillard Building.

ROXBORO DOWNTOWN REVITALIZATION FUNDS

Sec. 455. There is appropriated from the General Fund to the City of Roxboro the sum of twelve thousand dollars ($12,000) for fiscal year

1985-86 for the Downtown Revitalization Project to renovate the downtown area of Roxboro.

REEVES COMMUNITY CENTER FUNDS

Sec. 456. There is appropriated from the General Fund to the Town of Mount Airy the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for general operating expenses of and improvements to the Reeves Community Center.

JONES AGRICULTURAL CENTER FUNDS

Sec. 457. There is appropriated from the General Fund to Jones County the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86 to build an agricultural center.

WESTERN N.C. PUBLIC RADIO FUNDS

Sec. 458. There is appropriated from the General Fund to Western North Carolina Public Radio, Incorporated, the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 to purchase new equipment to improve the signal strength for WCQS, the nonprofit public radio station serving Western North Carolina.

BLADEN 4-H PROGRAM FUNDS

Sec. 459. There is appropriated from the General Fund to Bladen County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for the construction of buildings for the 4-H Program.

MARS HILL SANITATION FUNDS

Sec. 460. There is appropriated from the General Fund to the Town of Mars Hill the sum of thirty-five thousand dollars ($35,000) for fiscal year 1985-86 to purchase a garbage truck.

WESTBROOKS COMMUNITY BUILDING FUNDS

Sec. 461. There is appropriated from the General Fund to Sampson County the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to renovate the Westbrooks Community Building.

SUNNYSIDE SCHOOL FUNDS

Sec. 462. There is appropriated from the General Fund to the Town of Shallotte the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to renovate the Sunnyside School.

ONSLOW HISTORICAL SOCIETY FUNDS

Sec. 463. There is appropriated from the General Fund to the Onslow County Historical Society the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to repair the Pelletier House.

PART 4. HUMAN RESOURCES

UNITED TRI-COUNTY SENIOR CITIZENS FUNDS

Sec. 464. There is appropriated from the General Fund to United Tri-County Senior Citizens, Incorporated, serving Craven, Jones, and Pamlico Counties, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide services to the elderly.

McCORMICK GROUP HOME FUNDS

Sec. 465. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to provide operating expenses for the McCormick Avenue Group Home in Gastonia.

THE RELATIVES FUNDS

Sec. 466. There is appropriated from the General Fund to the Department of Human Resources the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 to assist in purchasing and renovating a permanent home for The Relatives of Charlotte, a family crisis intervention and counseling center.

HAVEN HOUSE FUNDS

Sec. 467. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of sixty thousand five hundred dollars ($60,500) for fiscal year 1985-86 to fund Haven House, Incorporated, through the Division's program of group homes for emotionally disturbed children.

DOROTHEA DIX RECREATIONAL EQUIPMENT FUNDS

Sec. 468. There is appropriated from the General Fund to the Department of Human Resources the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to purchase recreational equipment for the adolescent treatment unit at Dorothea Dix Hospital.

TAMMY LYNN FOUNDATION FUNDS

Sec. 469. There is appropriated from the General Fund to the Tammy Lynn Memorial Foundation, Incorporated, the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 for the Adult Residence of the Intermediate Care Facility for the Mentally Retarded at the Tammy Lynn Center and for other programs of the Center.

ONSLOW AGING COUNCIL FUNDS

Sec. 470. There is appropriated from the General Fund to the Onslow Coordinating Council on Aging, Incorporated, the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 for operating expenses and building improvements.

CAROBELL HOME FUNDS

Sec. 471. There is appropriated from the General Fund to Carobell Children's Home, Incorporated, the sum of twenty thousand dollars

($20,000) for fiscal year 1985-86 for operating expenses and building improvements.

GASTON CHILDREN'S COUNCIL FUNDS

Sec. 472. There is appropriated from the General Fund to the Gaston County Children's Council the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to establish the Council and provide funds for its operating expenses.

HALIFAX COUNTY 4-H YOUTH CAMP FUNDS

Sec. 473. There is appropriated from the General Fund to the Halifax County 4-H and Youth Camp the sum of five thousand dollars ($5,000) for fiscal year 1985-86, provided that the Board of Directors of the nonprofit corporation, Halifax County 4-H Youth Camp, raises one dollar ($1.00) of non-State funds for every three dollars ($3.00) appropriated by this section.

ONSLOW HUMAN SERVICES COUNCIL FUNDS

Sec. 474. There is appropriated from the General Fund to the Human Services Council of Onslow County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to conduct a study on the use of volunteers and the services offered by human services agencies in Onslow County in order to use volunteers in the most efficient and effective manner and to avoid duplication of services.

CARTERET FAMILY PLANNING FUNDS

Sec. 475. There is appropriated from the General Fund to Carteret Community Action, Incorporated, the sum of five thousand six hundred forty dollars ($5,640) for fiscal year 1985-86 to continue the family planning program in Carteret County.

SAND CASTLE CHILDREN'S HOME FUNDS

Sec. 476. There is appropriated from the General Fund to Sand Castle Children's Home, Incorporated, a licensed group home for mentally retarded children in Onslow County, the sum of seven thousand dollars ($7,000) for fiscal year 1985-86 for operating expenses.

GARNER SENIOR CITIZENS' FUNDS

Sec. 477. There is appropriated from the General Fund to the Town of Garner the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to expand the services provided by the Town to senior citizens and to establish a Garner Senior Citizens' Center.

EASTERN AREA SICKLE CELL ASSOCIATION FUNDS

Sec. 478. There is appropriated from the General Fund to the Eastern Area Sickle Cell Association, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses.

ONSLOW WOMEN'S CENTER FUNDS

Sec. 479. There is appropriated from the General Fund to the Onslow County Women's Center, Incorporated, the sum of nine thousand dollars ($9,000) for fiscal year 1985-86 for equipment and operating expenses to assist the Center in meeting the needs of the women of Onslow County.

CARTERET SENIOR CITIZENS CENTER FUNDS

Sec. 480. There is appropriated from the General Fund to the Carteret County Senior Citizens Center the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for operating expenses.

UNITED TRI-COUNTY SENIOR CITIZENS FUNDS

Sec. 481. There is appropriated from the General Fund to United Tri-County Senior Citizens, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

CRAVEN COUNCIL ON AGING FUNDS

Sec. 482. There is appropriated from the General Fund to the Craven County Council on Aging the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

JONES UNITED TRI-COUNTY SENIOR CITIZENS FUNDS

Sec. 483. There is appropriated from the General Fund to United Tri-County Senior Citizens, Jones County Unit, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses.

NEW BERN-CRAVEN YMCA FUNDS

Sec. 484. There is appropriated from the General Fund to the New Bern-Craven County YMCA, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to make the building accessible to handicapped persons and to provide programs for children and adults with special physical and emotional needs.

NEW HANOVER COMMUNITY SERVICES ASSOCIATION FUNDS

Sec. 485. There is appropriated from the General Fund to New Hanover Community Services Association, Incorporated, the sum of six thousand dollars ($6,000) for fiscal year 1985-86 for operating expenses of the Association.

SICKLE CELL SOUTHEASTERN FUNDS

Sec. 486. There is appropriated from the General Fund to Sickle Cell Southeastern, Incorporated, the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to be used for purposes consistent with their charter.

WILMINGTON CHILD DEVELOPMENT CENTER FUNDS

Sec. 487. There is appropriated from the General Fund to the Wilmington Child Development Center the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 to purchase a van to transport children to and from the Center.

DURHAM MEALS ON WHEELS FUNDS

Sec. 488. There is appropriated from the General Fund to the United Urban Ministeries of Durham the sum of three thousand five hundred dollars ($3,500) for fiscal year 1985-86 to support the secular "Meals on Wheels" program.

CHATHAM CHILD DEVELOPMENT CENTER FUNDS

Sec. 489. There is appropriated from the General Fund to the Chatham Child Development Center the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses.

CHATHAM HOSPICE FUNDS

Sec. 490. There is appropriated from the General Fund to Hospice of Chatham County the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to give support and assistance to dying persons and their families.

CHATHAM RAPE CRISIS AND FAMILY VIOLENCE VOLUNTEERS FUNDS

Sec. 491. There is appropriated from the General Fund to the Chatham County Rape Crisis and Family Violence Volunteers the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide assistance to victims of rape and family violence.

MAXTON YOUTH DEVELOPMENT FUNDS

Sec. 492. There is appropriated from the General Fund to the Town of Maxton the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses of the Maxton Youth Development Commission.

ROBESON YOUTH DEVELOPMENT FUNDS

Sec. 493. There is appropriated from the General Fund to Youth Self Improvement, Incorporated, of Robeson County the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses.

ROBESON COMMUNITY CENTER FUNDS

Sec. 494. There is appropriated from the General Fund to the Robeson Community Center the sum of six thousand five hundred dollars ($6,500) for fiscal year 1985-86. Of these funds, the sum of three thousand dollars ($3,000) shall be used to help persons to become literate, and the sum of three thousand five hundred dollars ($3,500) shall be used to provide food.

ST. PAUL'S BUILDING FOR THE ELDERLY FUNDS

Sec. 495. There is appropriated from the General Fund to the Town of St. Paul for the Elderly the sum of thirteen thousand dollars ($13,000) for fiscal year 1985-86 for a building for the elderly.

ORANGE RAPE CRISIS CENTER FUNDS

Sec. 496. There is appropriated from the General Fund to the Orange County Rape Crisis Center the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses.

JOINT ORANGE-CHATHAM COMMUNITY ACTION FUNDS

Sec. 497. There is appropriated from the General Fund to Joint Orange-Chatham Community Action, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

DURHAM SENIOR CITIZENS COORDINATING COUNCIL FUNDS

Sec. 498. There is appropriated from the General Fund to the Durham Coordinating Council of Senior Citizens the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 for operating expenses.

JOHN AVERY BOYS CLUB FUNDS

Sec. 499. There is appropriated from the General Fund to the John Avery Boys Club of Durham the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to purchase recreation and athletic equipment.

SCARBOROUGH NURSERY SCHOOL FUNDS

Sec. 500. There is appropriated from the General Fund to the Scarborough Nursery School the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide care for children.

LINCOLN COMMUNITY HEALTH CENTER FUNDS

Sec. 501. There is appropriated from the General Fund to the Lincoln Community Health Center the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses.

WAKE FOREST SENIOR CITIZENS CENTER FUNDS

Sec. 502. There is appropriated from the General Fund to the Wake Forest Senior Citizens Center the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses.

CUMBERLAND SHELTERED WORKSHOP FUNDS

Sec. 503. There is appropriated from the General Fund to the Cumberland Sheltered Workshop the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 for operating expenses.

CUMBERLAND DAY CARE TRAINING FUNDS

Sec. 504. There is appropriated from the General Fund to the Cumberland County Public Health Center the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 for a day care training program.

COLUMBUS CITIZENS AGAINST SPOUSE ABUSE FUNDS

Sec. 505. There is appropriated from the General Fund to Columbus County Citizens Against Spouse Abuse, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to assist in providing

services to families in which one spouse is physically abusing the other, for operation of a hotline, and for referral to counseling services.

INTERACT CENTER FUNDS

Sec. 506. There is appropriated from the General Fund to Interact, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for general operating expenses.

DRUG ACTION OF WAKE FUNDS

Sec. 507. There is appropriated from the General Fund to Drug Action of Wake County, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses.

TAMMY LYNN CENTER FUNDS

Sec. 508. There is appropriated from the General Fund to the Tammy Lynn Center the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

CARY SENIOR CITIZENS CENTER FUNDS

Sec. 509. There is appropriated from the General Fund to the Cary Senior Citizens Center the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses.

WAKE COUNCIL ON AGING FUNDS

Sec. 510. There is appropriated from the General Fund to the Wake County Council on Aging, Incorporated, the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for adult day care and respite care.

AMERICAN DIABETES ASSOCIATION FUNDS

Sec. 511. There is appropriated from the General Fund to the American Diabetes Association, North Carolina Affiliate, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for the treatment of diabetes.

CHILDREN'S HOME SOCIETY OF NORTH CAROLINA FUNDS

Sec. 512. There is appropriated from the General Fund to the Children's Home Society of North Carolina, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

RALEIGH RESCUE MISSION FUNDS

Sec. 513. There is appropriated from the General Fund to the Raleigh Rescue Mission the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to provide food, clothing, and shelter for homeless persons.

ARTHRITIS FOUNDATION FUNDS

Sec. 514. There is appropriated from the General Fund to the Arthritis Foundation the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses.

DUKE COMPREHENSIVE CANCER CENTER FUNDS

Sec. 515. There is appropriated from the General Fund to the Duke Comprehensive Cancer Center the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to prevent, treat, and cure cancer.

BETHEL SENIOR CITIZENS CENTER FUNDS

Sec. 516. There is appropriated from the General Fund to the Bethel Senior Citizens Center the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for operating expenses and equipment.

AHOSKIE MASONS CHILDREN CENTER FUNDS

Sec. 517. There is appropriated from the General Fund to the Ahoskie Masons Children Center the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the programs of the Center.

CHATHAM TRADES FUNDS

Sec. 518. There is appropriated from the General Fund to the Chatham Trades, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide solar construction funds for low-income Chatham County residents.

CHATHAM COUNCIL ON AGING FUNDS

Sec. 519. There is appropriated from the General Fund to the Chatham County Council on Aging the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

ORANGE CONGREGATIONS IN MISSIONS FUNDS

Sec. 520. There is appropriated from the General Fund to the Orange Congregations in Missions the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to support needy persons in the community.

HYMAN YOUTH DEVELOPMENT FOUNDATION FUNDS

Sec. 521. There is appropriated from the General Fund to the John A. Hyman Memorial Youth Development Foundation the sum of eighteen thousand dollars ($18,000) for fiscal year 1985-86 to assist in helping young persons develop their full potential and talents.

NATHANIEL MACON 4-H CAMP FUNDS

Sec. 522. There is appropriated from the General Fund to the Nathaniel Macon 4-H Camp the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and recreation equipment.

HALIFAX HEALTH DEPARTMENT FUNDS

Sec. 523. There is appropriated from the General Fund to the Halifax County Health Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for the Early Childhood Intervention Program.

CAMP OAK HILL FUNDS

Sec. 524. There is appropriated from the General Fund to Camp Oak Hill the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses and recreation equipment for a sports and youth camp.

HAVEN HOUSE FUNDS

Sec. 525. There is appropriated from the General Fund to the Raleigh Haven House the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

SAMARITAN COLONY FUNDS

Sec. 526. There is appropriated from the General Fund to Samaritan Colony, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to provide a home for alcoholics and drug abusers.

McLAURIN VOCATIONAL TRAINING CENTER FUNDS

Sec. 527. There is appropriated from the General Fund to the McLaurin Vocational Training Center, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for vocational rehabilitation of disadvantaged and mentally retarded persons.

THOMS REHABILITATION HOSPITAL FUNDS

Sec. 528. There is appropriated from the General Fund to the Thoms Rehabilitation Hospital of Asheville the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

HAYETAYLOR YMCA FUNDS

Sec. 529. There is appropriated from the General Fund to the Hayes-Taylor YMCA the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses.

WINSTON-SALEM URBAN LEAGUE FUNDS

Sec. 530. There is appropriated from the General Fund to the Winston-Salem Urban League the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to assist in reducing the number of teenage pregnancies.

TRIANGLE RED CROSS FUNDS

Sec. 531. There is appropriated from the General Fund to the Triangle Chapter of the American Red Cross the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for safety instructions for persons in Wake, Johnston, and Franklin Counties.

RADIO READING SERVICE FUNDS

Sec. 532. There is appropriated from the General Fund to the Raleigh Radio Reading Service the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to serve blind and elderly persons.

RADIO READING SERVICE FUNDS

Sec. 533. There is appropriated from the General Fund to the Raleigh Radio Reading Service the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to serve blind and elderly persons.

RALEIGH WOMEN'S CENTER FUNDS

Sec. 534. There is appropriated from the General Fund to the Raleigh Women's Center the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses to assist the Center in meeting the needs of the women of Raleigh.

TAMMY LYNN CENTER FUNDS

Sec. 535. There is appropriated from the General Fund to the Tammy Lynn Center the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

HAVEN HOUSE FUNDS

Sec. 536. There is appropriated from the General Fund to the Raleigh Haven House the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

HAVEN HOUSE FUNDS

Sec. 537. There is appropriated from the General Fund to the Raleigh Haven House the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

MARTIN COMMUNITY ACTION CENTER FUNDS

Sec. 538. There is appropriated from the General Fund to the Martin County Community Action Center the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses.

NORTH CAROLINA SENIOR CITIZEN FEDERATION FUNDS

Sec. 539. There is appropriated from the General Fund to North Carolina Senior Citizen Federation the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to assist the Federation in meeting the needs of senior citizens across the State.

ROCKY MOUNT TRI-COUNTY INDUSTRIES FOR THE HANDICAPPED FUNDS

Sec. 540. There is appropriated from the General Fund to Rocky Mount Tri-County Industries for the Handicapped, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to assist handicapped persons.

DURHAM MEALS ON WHEELS FUNDS

Sec. 541. There is appropriated from the General Fund to the United Urban Ministries of Durham the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to support the secular "Meals on Wheels" program.

TAMMY LYNN CENTER FUNDS

Sec. 542. There is appropriated from the General Fund to the Tammy Lynn Center the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

WINSTON-SALEM BLACK FAMILY TASK FORCE FUNDS

Sec. 543. There is appropriated from the General Fund to the Winston-Salem Black Family Task Force the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to strengthen and support black families.

WINSTON-SALEM SENIOR CITIZENS PROGRAM FUNDS

Sec. 544. There is appropriated from the General Fund to the Winston-Salem Senior Citizens Program the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to meet the needs of elderly persons in the community.

WINSTON-SALEM URBAN LEAGUE FUNDS

Sec. 545. There is appropriated from the General Fund to the Winston-Salem Urban League the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

OAK ISLAND SENIOR CITIZENS CENTER FUNDS

Sec. 546. There is appropriated from the General Fund to the Oak Island Senior Citizens Center the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to construct or repair buildings.

CEDAR GROVE BRANCH NAACP ACT-SO PROGRAM FUNDS

Sec. 547. There is appropriated from the General Fund to the Cedar Grove Branch of the National Association for the Advancement of Colored People the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to help support the Afro-Academic, Cultural, Technological, and Scientific (ACT-SO) Competition.

WINSTON LAKE FAMILY YMCA FUNDS

Sec. 548. There is appropriated from the General Fund to the Winston Lake Family YMCA the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the "Youth Sports Program".

WINSTON-SALEM BLACK FAMILY TASK FORCE FUNDS

Sec. 549. There is appropriated from the General Fund to the Winston-Salem Black Family Task Force the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to support the Third Annual Family Conference.

BETHLEHEM COMMUNITY CENTER FUNDS

Sec. 550. There is appropriated from the General Fund to the Bethlehem Community Center, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the Community Services Program.

CHARLOTTE-MECKLENBURG YOUTH COUNCIL FUNDS

Sec. 551. There is appropriated from the General Fund to the Charlotte-Mecklenburg Youth Council the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 for operating expenses.

McCROREY BRANCH YMCA FUNDS

Sec. 552. There is appropriated from the General Fund to the McCrorey Branch YMCA the sum of six thousand dollars ($6,000) for fiscal year 1985-86 for operating expenses and equipment.

CHARLOTTE-MECKLENBURG OFFICE OF MINORITY AFFAIRS FUNDS

Sec. 553. There is appropriated from the General Fund to the Charlotte-Mecklenburg Office of Minority Affairs the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

BETHLEHEM COMMUNITY CENTER FUNDS

Sec. 554. There is appropriated from the General Fund to the Bethlehem Community Center, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

ASSOCIATION FOR SICKLE CELL DISEASE FOR CHARLOTTE-METROLINA FUNDS

Sec. 555. There is appropriated from the General Fund to the Association for Sickle Cell Disease for Charlotte-Metrolina, Incorporated, the sum of nine thousand dollars ($9,000) for fiscal year 1985-86 for the prevention and treatment of sickle cell disease.

ASSOCIATION FOR SICKLE CELL DISEASE FOR CHARLOTTE-METROLINA FUNDS

Sec. 556. There is appropriated from the General Fund to the Association for Sickle Cell Disease for Charlotte-Metrolina, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the prevention and treatment of sickle cell disease.

GETHSEMANE ENRICHMENT PROGRAM FUNDS

Sec. 557. There is appropriated from the General Fund to the Gethsemane Enrichment Program the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide after-school care and enrichment programs to children from low-income families.

CHARLOTTE MECKLENBURG YOUTH CENTER FUNDS

Sec. 558. There is appropriated from the General Fund to the Charlotte-Mecklenburg Youth Center the sum of thirty thousand dollars ($30,000) for fiscal year 1985-86 for operating expenses and recreation equipment.

SOUTHEASTERN CUMBERLAND RURAL COMMUNITY ASSOCIATION FUNDS

Sec. 559. There is appropriated from the General Fund to the Southeastern Cumberland County Rural Community Association,

Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide a meeting place for older adults and community action groups.

CUMBERLAND SHELTERED WORKSHOP FUNDS

Sec. 560. There is appropriated from the General Fund to the Cumberland County Sheltered Workshop the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 to purchase equipment.

CUMBERLAND CHILD-CARE SKILLS DEVELOPMENT CENTER FUNDS

Sec. 561. There is appropriated from the General Fund to the Cumberland County Child-Care Skills Development Center the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to provide training and practical experience for persons employed in child care.

WINSTON-SALEM/FORSYTH COUNTY YWCA FUNDS

Sec. 562. There is appropriated from the General Fund to the Winston-Salem/Forsyth County YWCA the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses.

WILMINGTON PREGNANCY CARE CENTER FUNDS

Sec. 563. There is appropriated from the General Fund to the Pregnancy Care Center of Wilmington, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86. Of these funds the sum of six thousand five hundred dollars ($6,500) shall be used for operating expenses of the Center, and the sum of three thousand five hundred dollars ($3,500) shall be held in trust by the Center for Mothers' Helpers and shall be transferred to Mothers' Helpers for operating expenses if Mothers' Helpers attains nonprofit status by September 1, 1985. If Mothers' Helpers does not attain this status by that date, the amount held in trust shall be used by the Center for operating expenses.

PINETREE HANDICAPPED ADULT FUNDS

Sec. 564. There is appropriated from the General Fund to Pinetree Enterprises the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to construct or purchase a new building to accommodate an increased enrollment of mentally and physically handicapped adults.

PINETREE HANDICAPPED ADULT FUNDS

Sec. 565. There is appropriated from the General Fund to Pinetree Enterprises the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to construct or purchase a new building to accommodate an increased enrollment of mentally and physically handicapped adults.

POLK SENIOR CITIZENS MEETING PLACE FUNDS

Sec. 566. There is appropriated from the General Fund to Polk County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses for the Polk County Senior Citizens Meeting Place.

OPERATION BREAKTHROUGH FUNDS

Sec. 567. There is appropriated from the General Fund to Operation Breakthrough, Incorporated, of Durham, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to provide services to the disadvantaged and to support the Emergency Fuel Assistance Program.

INTERACT FUNDS

Sec. 568. There is appropriated from the General Fund to Interact of Raleigh the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to provide services and shelter to victims of rape and family violence.

LEARNING TOGETHER FUNDS

Sec. 569. There is appropriated from the General Fund to Learning Together, Incorporated, of Raleigh the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

LEARNING TOGETHER FUNDS

Sec. 570. There is appropriated from the General Fund to Learning Together, Incorporated, of Raleigh the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

NEW HANOVER FAMILY VIOLENCE FUNDS

Sec. 571. There is appropriated from the General Fund to the New Hanover County Task Force Against Family Violence the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for seed money for a thrift shop to become self-supporting.

FAYETTEVILLE SENIOR CITIZENS CENTER FUNDS

Sec. 572. There is appropriated from the General Fund to the Fayetteville Senior Citizens Center the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for transportation.

WAKE LIFE EXPERIENCES FUNDS

Sec. 573. There is appropriated from the General Fund to Life Experiences, Incorporated, of Wake County the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

WAKE LIFE EXPERIENCES FUNDS

Sec. 574. There is appropriated from the General Fund to Life Experiences, Incorporated, of Wake County the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

WAKE LIFE EXPERIENCES FUNDS

Sec. 575. There is appropriated from the General Fund to Life Experiences, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

CLEVELAND ADAP FUNDS

Sec. 576. There is appropriated from the General Fund to the Cleveland County Adult Developmental Activities Program (ADAP) the sum of thirty thousand dollars ($30,000) for fiscal year 1985-86 for operating expenses and ADAP slots.

RUTHERFORD SENIOR CITIZENS CENTER FUNDS

Sec. 577. There is appropriated from the General Fund to the Rutherford County Senior Citizens Center the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

RUTHERFORD HOSPICE FUNDS

Sec. 578. There is appropriated from the General Fund to Hospice of Rutherford County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide support and assistance to dying persons and their families.

SHELBY SENIOR CITIZENS CENTER FUNDS

Sec. 579. There is appropriated from the General Fund to the Shelby Senior Citizens Center the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for operating expenses.

CLEVELAND KIDNEY ASSOCIATION FUNDS

Sec. 580. There is appropriated from the General Fund to the Cleveland County Kidney Association the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the prevention and treatment of kidney disease.

UNITED SERVICES FOR OLDER ADULTS FUNDS.

Sec. 581. There is appropriated from the General Fund to United Services for Older Adults of Greensboro the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for operating expenses.

SAND CASTLE CHILDREN'S HOME FUNDS

Sec. 582. There is appropriated from the General Fund to the Sand Castle Children's Home, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses.

GREENE SENIOR CITIZENS CENTER FUNDS

Sec. 583. There is appropriated from the General Fund to the Greene County Senior Citizens Center the sum of four thousand five hundred dollars ($4,500) for fiscal year 1985-86 for renovation and equipment.

THOMS REHABILITATION HOSPITAL FUNDS

Sec. 584. There is appropriated from the General Fund to Thoms Rehabilitation Hospital in Buncombe County the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 for operating expenses for an outpatient clinic.

PITT MENTAL HEALTH ASSOCIATION FUNDS

Sec. 585. There is appropriated from the General Fund to the Pitt County Mental Health Association the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses.

PITT RONALD MCDONALD HOUSE FUNDS

Sec. 586. There is appropriated from the General Fund to the Pitt County Ronald McDonald House the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment.

PITT HOSPICE FUNDS

Sec. 587. There is appropriated from the General Fund to Hospice of Pitt County the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to provide support and assistance to dying persons and their families.

PITT FAMILY VIOLENCE CENTER FUNDS

Sec. 588. There is appropriated from the General Fund to the Pitt County Family Violence Center the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

PITT BOYS CLUB FUNDS

Sec. 589. There is appropriated from the General Fund to the Pitt County Boys Club the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment.

"TO OUR SURVIVAL" DRUG ABUSE PREVENTION FUNDS

Sec. 590. There is appropriated from the General Fund to Asheville PRIDE for Drug Education the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 to be allocated to "To Our Survival", a community based drug abuse prevention program.

SWANNANOA VALLEY MEDICAL CENTER FUNDS

Sec. 591. There is appropriated from the General Fund to the Swannanoa Valley Medical Center the sum of twer.ty-five thousand dollars ($25,000) for fiscal year 1985-86 for the replacement of equipment and for emergency maintenance needs.

PITT SENIOR CITIZENS CENTER FUNDS

Sec. 592. There is appropriated from the General Fund to the Senior Citizens Center of Pitt County the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for equipment and operating expenses.

FARMVILLE CHILD DEVELOPMENT CENTER FUNDS

Sec. 593. There is appropriated from the General Fund to the Farmville Child Development Center the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment and supplies.

GREENVILLE UNITED CEREBRAL PALSY DEVELOPMENTAL CENTER FUNDS

Sec. 594. There is appropriated from the General Fund to the United Cerebral Palsy Developmental Center of Greenville the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment and supplies.

WINTERVILLE, AYDEN, AND GRIFTON DEVELOPMENTAL DAY CENTER FUNDS

Sec. 595. There is appropriated from the General Fund to the Developmental Day Center of Winterville, Ayden, and Grifton the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment and supplies.

ORANGE RAPE CRISIS CENTER FUNDS

Sec. 596. There is appropriated from the General Fund to the Orange County Rape Crisis Center the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to expand the Center's community education programs, especially in the area of child sexual abuse awareness and prevention, and for operating expenses.

CRAVEN COUNCIL ON WOMEN FUNDS

Sec. 597. There is appropriated from the General Fund to the Craven County Council on Women, Incorporated, the sum of twenty-four thousand dollars ($24,000) for fiscal year 1985-86 to establish a shelter for victims of domestic violence.

INTERFAITH COUNCIL SHELTER PROJECT FUNDS

Sec. 598. There is appropriated from the General Fund to the Interfaith Council for Social Service the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for the Interfaith Council Shelter Project, a place for the homeless to sleep in the Chapel Hill-Carrboro community.

CHATHAM HOSPICE FUNDS

Sec. 599. There is appropriated from the General Fund to Hospice of Chatham County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

CHATHAM TRADES FUNDS

Sec. 600. There is appropriated from the General Fund to Chatham Trades, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to build a new facility and to fund a group home for developmentally disabled adults.

CHATHAM RAPE CRISIS AND FAMILY VIOLENCE VOLUNTEERS FUNDS

Sec. 601. There is appropriated from the General Fund to the Chatham County Rape Crisis and Family Violence Volunteers the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to provide assistance to victims of rape and family violence and for operating expenses.

TRI-COUNTY INDUSTRIES FUNDS

Sec. 602. There is appropriated from the General Fund to Tri-County Industries, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital expenditures and equipment for the work-oriented rehabilitation center for handicapped individuals.

TRI-COUNTY INDUSTRIES FUNDS

Sec. 603. There is appropriated from the General Fund to Tri-County Industries, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment for the work-oriented rehabilitation center for handicapped individuals.

INTERFAITH COUNCIL SHELTER PROJECT FUNDS

Sec. 604. There is appropriated from the General Fund to the Interfaith Council for Social Service the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to help maintain the Council's Shelter Project, a place for the homeless to sleep in the Chapel Hill-Carrboro community.

MOORE CHILDREN'S CENTER FUNDS

Sec. 605. There is appropriated from the General Fund to the Moore County Children's Center the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 for operating expenses.

MOORE CHILDREN'S CENTER FUNDS

Sec. 606. There is appropriated from the General Fund to the Moore County Children's Center the sum of three thousand five hundred dollars ($3,500) for fiscal year 1985-86 to maintain ongoing programs for handicapped and developmentally disabled children.

CUMBERLAND CHILD-CARE SKILLS DEVELOPMENT CENTER FUNDS

Sec. 607. There is appropriated from the General Fund to the Cumberland County Child-Care Skills Development Center the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to provide training and practical experience to enhance the skills and knowledge of Cumberland County residents employed in child-care.

CUMBERLAND SHELTERED WORKSHOP FUNDS

Sec. 608. There is appropriated from the General Fund to the Cumberland Sheltered Workshop the sum of nine thousand dollars ($9,000) for fiscal year 1985-86 to purchase equipment.

SOUTHEASTERN CUMBERLAND RURAL COMMUNITY ASSOCIATION FUNDS

Sec. 609. There is appropriated from the General Fund to the Southeastern Cumberland Rural Community Association, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide

a meeting place for Cumberland County older adult and community action groups.

LINCOLN COMMUNITY HEALTH CENTER FUNDS

Sec. 610. There is appropriated from the General Fund to the Lincoln Community Health Center the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to provide access to primary health care for low-income residents.

PERSON COUNCIL ON AGING FUNDS

Sec. 611. There is appropriated from the General Fund to the Person County Council on Aging the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses in providing comfort to the elderly.

CENTRAL ORPHANAGE FUNDS

Sec. 612. There is appropriated from the General Fund to the Central Orphanage of North Carolina the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide homes for homeless and neglected children.

GRANVILLE HOSPITAL FUNDS

Sec. 613. There is appropriated from the General Fund to Granville Hospital the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

HILLSBOROUGH RED CROSS FUNDS

Sec. 614. There is appropriated from the General Fund to the American Red Cross of Hillsborough the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to operate a blood bank and to provide disaster relief services for the community.

BETHLEHEM COMMUNITY CENTER FUNDS

Sec. 615. There is appropriated from the General Fund to the Bethlehem Community Center, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the Center's child care program.

CLEVELAND CHILD ABUSE PREVENTION SERVICES FUNDS

Sec. 616. There is appropriated from the General Fund to Child Abuse Prevention Services of Cleveland County the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses.

CLEVELAND SHELTERED WORKSHOP FUNDS

Sec. 617. There is appropriated from the General Fund to the Cleveland County Sheltered Workshop the sum of fifty-five thousand dollars ($55,000) for fiscal year 1985-86 to provide transportation.

GASTON-LINCOLN AREA MENTAL HEALTH FUNDS

Sec. 618. There is appropriated from the General Fund to the Gaston-Lincoln Area Mental Health Program the sum of ten thousand

dollars ($10,000) for fiscal year 1985-86 for operating expenses for the Piedmont Pioneer House.

GASTON HOME HEALTH CARE FUNDS

Sec. 619. There is appropriated from the General Fund to Home Health Care of Gaston County, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

CALDWELL SENIOR CITIZEN CENTER FUNDS

Sec. 620. There is appropriated from the General Fund to Caldwell County the sum of forty-five thousand dollars ($45,000) for fiscal year 1985-86 for the Caldwell County Senior Citizen Center.

MECKLENBURG ADOLESCENT PREGNANCY PREVENTION FUNDS

Sec. 621. There is appropriated from the General Fund to the Mecklenburg Council on Adolescent Pregnancy the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses for the program to prevent adolescent pregnancy.

LUMBEE REGIONAL DEVELOPMENT ASSOCIATION FUNDS

Sec. 622. There is appropriated from the General Fund to the Lumbee Regional Development Association the sum of six thousand five hundred dollars ($6,500) for fiscal year 1985-86 for the Thrifty Food Pantry program to provide food to needy families in Robeson County.

HIGH POINT DRUG ACTION COUNCIL FUNDS

Sec. 623. There is appropriated from the General Fund to the High Point Drug Action Council, Incorporated, the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to construct an office and service facility for use by the Council and other community organizations.

METROPOLITAN COUNCIL OF NEGRO WOMEN FUNDS

Sec. 624. There is appropriated from the General Fund to the Metropolitan Council of Negro Women the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 for education and dissemination of information about the prevention of adolescent pregnancy.

BETHLEHEM COMMUNITY CENTER FUNDS

Sec. 625. There is appropriated from the General Fund to the Bethlehem Community Center, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the Bethlehem Community Center's child care program.

WINSTON-SALEM URBAN LEAGUE FUNDS

Sec. 626. There is appropriated from the General Fund to the Winston-Salem Urban League the sum of three thousand five hundred dollars ($3,500) for fiscal year 1985-86 for operating expenses of the League, a community agency serving displaced workers, female heads of

households, youth, and elderly and disabled citizens through employment and training services.

WINSTON-SALEM URBAN LEAGUE FUNDS

Sec. 627. There is appropriated from the General Fund to the Winston-Salem Urban League the sum of three thousand five hundred dollars ($3,500) for fiscal year 1985-86 for operating expenses of the League, a community agency serving displaced workers, female heads of households, youth, and elderly and disabled citizens through employment and training services.

OAK ISLAND SENIOR CITIZENS CENTER FUNDS

Sec. 628. There is appropriated from the General Fund to the Oak Island Senior Citizens Center the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements.

ORANGE-PERSON-CHATHAM MENTAL HEALTH CENTER FUNDS

Sec. 629. There is appropriated from the General Fund to the Orange-Person-Chatham Mental Health Center the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for the Developmental Disabilities Program, which consists of several support, residential, and day services for children and adults with developmental disabilities.

ORANGE INDUSTRIES FUNDS

Sec. 630. There is appropriated from the General Fund to Orange Industries, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses of the sheltered workshop.

TYRRELL RURAL HEALTH ASSOCIATION FUNDS

Sec. 631. There is appropriated from the General Fund to the Tyrrell County Rural Health Association the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for a new emergency room light and a sigmoidoscope for this rural nonprofit health facility.

ROBERSONVILLE COMMUNITY HOSPITAL FUNDS

Sec. 632. There is appropriated from the General Fund to the Robersonville Community Hospital the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment.

GLADIATOR BOXING CLUB FUNDS

Sec. 633. There is appropriated from the General Fund to the Winston-Salem Experiment in Self-Reliance, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to support the Gladiator Boxing Club, a program to provide character development for underprivileged children.

CRISIS ASSISTANCE MINISTRY FUNDS

Sec. 634. There is appropriated from the General Fund to the Crisis Assistance Ministry the sum of ten thousand dollars ($10,000) for fiscal

year 1985-86 for emergency assistance to poor and homeless residents of Charlotte.

METROLINA FOOD BANK FUNDS

Sec. 635. There is appropriated from the General Fund to the Metrolina Food Bank the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide food for poor residents of the Charlotte-Mecklenburg area.

SCARBOROUGH NURSERY FUNDS

Sec. 636. There is appropriated from the General Fund to the Scarborough Nursery, Incorporated, in Durham the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to provide day care services for children of low-income families.

OXFORD BUSINESS AND PROFESSIONAL CHAIN FUNDS

Sec. 637. There is appropriated from the General Fund to the Oxford Business and Professional Chain, Incorporated, the sum of seven thousand dollars ($7,000) for fiscal year 1985-86 to support the Granville County Aging Program.

DURHAM CONGREGATIONS IN ACTION FUNDS

Sec. 638. There is appropriated from the General Fund to Durham Congregations in Action, Incorporated, the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to support the "Meals-on-Wheels" program for senior citizens.

CEDAR GROVE DAY CARE CENTER FUNDS

Sec. 639. There is appropriated from the General Fund to the Cedar Grove Day Care Center the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to provide day care for children of low-income families.

HENDERSON FAMILY VIOLENCE INTERVENTION PROGRAM OF REGION K FUNDS

Sec. 640. There is appropriated from the General Fund to the Henderson Family Violence Intervention Program of Region K the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses.

NORTHEAST CENTER FOR HUMAN DEVELOPMENT FUNDS

Sec. 641. There is appropriated from the General Fund to the Northeast Center for Human Development, Incorporated, of Lewiston the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and recreation equipment.

WILSON DIVERSIFIED OPPORTUNITIES FUNDS

Sec. 642. There is appropriated from the General Fund to Diversified Opportunities, Incorporated, of Wilson the sum of five thousand dollars

($5,000) for fiscal year 1985-86 for new equipment for the sheltered workshop for handicapped individuals.

JONES SENIOR CITIZENS FUNDS

Sec. 643. There is appropriated from the General Fund to United Tri-County Senior Citizens, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses of the Jones County Unit.

PATH FUNDS

Sec. 644. There is appropriated from the General Fund to PATH, Incorporated, of Forest City the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

EAST TRADE STREET YWCA FUNDS

Sec. 645. There is appropriated from the General Fund to the East Trade Street YWCA in Charlotte the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to fund a teen hotline to assist in pregnancy prevention and to provide an open ear for other teenagers.

CHARLOTTE EMERGENCY HOUSING PROJECT FUNDS

Sec. 646. There is appropriated from the General Fund to the Emergency Housing Project in Charlotte the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to provide housing for homeless families to help keep these families together during an emergency.

CHARLOTTE FAMILY OUTREACH ADULT CARE CENTER FUNDS

Sec. 647. There is appropriated from the General Fund to the Family Outreach Adult Care Center in Charlotte the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide adult day services for senior citizens unable to afford them.

GASTON RESIDENTIAL SERVICES FUNDS

Sec. 648. There is appropriated from the General Fund to Gaston Residential Services, Incorporated, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 to operate group homes.

WINSTON-SALEM YWCA FUNDS

Sec. 649. There is appropriated from the General Fund to the Winston-Salem YWCA the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for operating expenses.

CARY MINISTERIAL ALLIANCE FUNDS

Sec. 650. There is appropriated from the General Fund to the Cary Ministerial Alliance the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for senior citizen transportation.

LIFE EXPERIENCES FUNDS

Sec. 651. There is appropriated from the General Fund to Life Experiences, Incorporated, the sum of two thousand five hundred dollars

($2,500) for fiscal year 1985-86 to provide funds to enable Life Experiences, Incorporated, to relocate and continue its vital work of providing employment and training for mentally handicapped adults.

LEARNING TOGETHER FUNDS

Sec. 652. There is appropriated from the General Fund to Learning Together, Incorporated, of Wake County the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

HAVEN HOUSE FUNDS

Sec. 653. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to fund Haven House, Incorporated, through the Division's program of group homes for emotionally disturbed children.

TAMMY LYNN CENTER FUNDS

Sec. 654. There is appropriated from the General Fund to the Tammy Lynn Center the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

RALEIGH KIDNEY DIALYSIS CLINIC FUNDS

Sec. 655. There is appropriated from the General Fund to the Raleigh Kidney Dialysis Clinic the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for patient services.

NORTH CAROLINA KIDNEY FOUNDATION FUNDS

Sec. 656. There is appropriated from the General Fund to the North Carolina Kidney Foundation the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to provide funds to operate a summer camp.

WAKE MEALON-WHEELS FUNDS

Sec. 657. There is appropriated from the General Fund to Meals-on-Wheels of Wake County, Incorporated, tne sum of two thousand dollars ($2,000) for fiscal year 1985-86 to provide meals to elderly persons in need.

TRIANGLE DIABETES SUMMER CAMP FUNDS

Sec. 658. There is appropriated from the General Fund to the Triangle Diabetes Summer Camp in Wake County the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses.

INTERACT CENTER FUNDS

Sec. 659. There is appropriated from the General Fund to Interact, Incorporated, the sum of twenty-two thousand dollars ($22,000) for fiscal year 1985-86 for operating expenses for rape crisis intervention, battered women's assistance, and child abuse prevention.

ALBEMARLE HOPELINE FUNDS

Sec. 660. There is appropriated from the General Fund to Albemarle Hopeline, Incorporated, in Elizabeth City the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to provide help to persons in despair.

PERSON ASSOCIATION FOR RETARDED CITIZENS FUNDS

Sec. 661. There is appropriated from the General Fund to the Association for Retarded Citizens in Person County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide services for retarded persons.

NORTH CAROLINA SENIOR CITIZENS FEDERATION FUNDS

Sec. 662. There is appropriated from the General Fund to the North Carolina Senior Citizens Federation the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for a transportation fund and an emergency center in Henderson and Vance Counties.

GRANVILLE HOSPITAL FUNDS

Sec. 663. There is appropriated from the General Fund to the Granville Hospital the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for capital improvements and operating expenses.

VANCE SENIOR CITIZENS CENTER FUNDS

Sec. 664. There is appropriated from the General Fund to the Vance County Senior Citizens Center the sum of eighteen thousand dollars ($18,000) for fiscal year 1985-86 for the Land Acquisition Assembly of Vance County to assist senior citizens.

FAMILY VIOLENCE PROGRAM FOR REGION K FUNDS

Sec. 665. There is appropriated from the General Fund to the Family Violence Program for Region K in Henderson the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to help victims of family violence.

CHARLOTTE ORGANIZING PROJECT FUNDS

Sec. 666. There is appropriated from the General Fund to the Charlotte Organizing Project the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to help train residents of low-income neighborhoods in methods of self help and to educate them about resources available to improve the physical and social conditions of their neighborhoods.

LITTLETON SENIOR CITIZENS HAPPY CLUB FUNDS

Sec. 667. There is appropriated from the General Fund to the Senior Citizens Happy Club in Littleton the sum of one thousand two hundred fifty dollars ($1,250) for fiscal year 1985-86 for a building fund.

CHARLOTTE HOUSING AUTHORITY FUNDS

Sec. 668. There is appropriated from the General Fund to the Charlotte Housing Authority the sum of seven thousand dollars ($7,000) for fiscal year 1985-86 to expand the services offered by the Youth Services Department.

OFFICE OF MINORITY AFFAIRS FUNDS

Sec. 669. There is appropriated from the General Fund to Mecklenburg County the sum of seven thousand dollars ($7,000) for fiscal year 1985-86 for operating expenses of the Office of Minority Affairs.

GREENVILLE MEMORIAL AME ZION DAY CARE FUNDS

Sec. 670. There is appropriated from the General Fund to the Greenville Memorial AME Zion Day Care Center the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 to provide playground equipment and for operating expenses.

ROANOKE-CHOWAN SHELTERED WORKSHOP FUNDS

Sec. 671. There is appropriated from the General Fund to the Roanoke-Chowan Sheltered Workshop the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to purchase equipment.

ONSLOW SICKLE CELL FUNDS

Sec. 672. There is appropriated from the General Fund to the Onslow Sickle Cell Association the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 for operating expenses.

WINSTON-SALEM NAACP FUNDS

Sec. 673. There is appropriated from the General Fund to the Winston-Salem Branch of the National Association for the Advancement of Colored People the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to help support the Afro-Academic, Cultural, Technological, and Scientific (ACT-SO) Competition.

CAROLINA BEACH SENIOR CITIZEN FUNDS

Sec. 674. There is appropriated from the General Fund to the Carolina Beach Senior Citizen Center the sum of twelve thousand dollars ($12,000) for fiscal year 1985-86 for a facility to house the nutrition site and all senior citizen activities.

UNAKA CENTER FUNDS

Sec. 675. There is appropriated from the General Fund to the Unaka Center, Incorporated, the sum of seven thousand five hundred dollars ($7,500) for fiscal year 1985-86 for operating expenses.

MOUNTAIN ENTERPRISES FUNDS

Sec. 676. There is appropriated from the General Fund to Mountain Enterprises in Mars Hill the sum of seven thousand five hundred dollars ($7,500) for fiscal year 1985-86 for a sheltered workshop.

SCOTLAND SENIOR ADULT ASSOCIATION FUNDS

Sec. 677. There is appropriated from the General Fund to Scotland County the sum of five hundred dollars ($500.00) for fiscal year 1985-86 to be held for the Senior Adult Association to help provide transportation for senior citizen and to help purchase a van. If the Association is not

formed by January 1, 1986, then the money may be used by the Committee on aging for the same purpose.

SCOTLAND COUNTY SENIOR CITIZENS FUNDS

Sec. 678. There is appropriated from the General Fund to the Scotland County Senior Citizen the sum of five hundred dollars ($500.00) for fiscal year 1985-86 to publish membership materials and documents.

IREDELL COUNCIL ON AGING FUNDS

Sec. 679. There is appropriated from the General Fund to the Iredell County Council on Aging the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

GRANVILLE HOSPITAL FUNDS

Sec. 680. There is appropriated from the General Fund to the Granville Hospital the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for capital improvements and operating expenses.

TRI-COUNTY ADAP FUNDS

Sec. 681. There is appropriated from the General Fund to the Tri-County Mental Health Association the sum of forty thousand dollars ($40,000) for fiscal year 1985-86 for the adult developmental activities program to support 28 unfunded young adults.

ELIDA HOME FUNDS

Sec. 682. There is appropriated from the General Fund to the Elida Home, Incorporated, an orphanage for troubled youth in Buncombe County, the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for capital improvements and operating expenses.

HAVEN HOUSE FUNDS

Sec. 683. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to fund Haven House, Incorporated, through the Division's program of group homes for emotionally disturbed children.

HAVEN HOUSE FUNDS

Sec. 684. There is appropriated from the General Fund to Haven House, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

T.L.C. HOME FUNDS

Sec. 685. There is appropriated from the General Fund to the t.l.c. Home, Incorporated, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 to provide health care for mentally ill children.

LEARNING TOGETHER FUNDS

Sec. 686. There is appropriated from the General Fund to Learning Together, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

LIFE EXPERIENCES FUNDS

Sec. 687. There is appropriated from the General Fund to Life Experiences, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

TAMMY LYNN CENTER FUNDS

Sec. 688. There is appropriated from the General Fund to the Tammy Lynn Center the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

WAKE ENTERPRISES FUNDS

Sec. 689. There is appropriated from the General Fund to Wake Enterprises, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses.

CUED SPEECH CENTER FUNDS

Sec. 690. There is appropriated from the General Fund to the Cued Speech Center, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses.

WAKE HEALTH DEPARTMENT FUNDS

Sec. 691. There is appropriated from the General Fund to the Wake Health Department the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for innovative programs in Raleigh for teen pregnancy prevention.

CHUMS, INCORPORATED FUNDS

Sec. 692. There is appropriated from the General Fund to the Chums, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to offer workshops on strengthening black families.

TAMMY LYNN CENTER FUNDS

Sec. 693. There is appropriated from the General Fund to the Tammy Lynn Center the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

LIFE EXPERIENCES FUNDS

Sec. 694. There is appropriated from the General Fund to Life Experiences, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to relocate and continue its vital work of providing employment and training for mentally handicapped adults.

LEARNING TOGETHER FUNDS

Sec. 695. There is appropriated from the General Fund to Learning Together, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to provide operating funds.

APEX SENIORS PARK FUNDS

Sec. 696. There is appropriated from the General Fund to the Town of Apex the sum of seven thousand dollars ($7,000) for fiscal year 1985-86 for the Apex Seniors Park operating expenses.

CARY SENIOR CITIZEN RECREATIONAL FUNDS

Sec. 697. There is appropriated from the General Fund to the Town of Cary the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to support recreational programs for senior citizen.

GARNER SENIOR CITIZEN RECREATIONAL FUNDS

Sec. 698. There is appropriated from the General Fund to the Town of Garner the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to support recreational programs for senior citizen.

HAVEN HOUSE FUNDS

Sec. 699. There is appropriated from the General Fund to Haven House, Incorporated, the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses.

ORANGE COUNTY ADOLESCENTIN-NEED FUNDS

Sec. 700. There is appropriated from the General Fund to the Orange County Board of Education the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the Adolescents-in-Need Project.

CEDAR CROVE BRANCH NAACP ACT-SO PROGRAM FUNDS

Sec. 701. There is appropriated from the General Fund to the Cedar Grove Branch of the National Association for the Advancement of Colored People the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to help support the Afro-Academic, Cultural, Technological, and Scientific (ACT-S0) Competition.

FARMVILLE SENIOR COUNCIL FUNDS

Sec. 702. There is appropriated from the General Fund to the Farmville Senior Council the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses.

POWELLSVILLE SENIOR CITIZEN FUNDS

Sec. 703. There is appropriated from the General Fund to the Powellsville Center for Senior Citizen the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses of the Center.

DURHAM SENIOR CITIZENS COORDINATING COUNCIL FUNDS

Sec. 704. There is appropriated from the General Fund to the Durham Coordinating Council of Senior Citizen the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses.

BETHLEHEM COMMUNITY CENTER FUNDS

Sec. 705. There is appropriated from the General Fund to the Bethlehem Community Center, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the programs of the Center.

WAKE HOSPICE FUNDS

Sec. 706. There is appropriated from the General Fund to the Hospice of Wake County the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to give support and assistance to dying persons and their families.

SPECIAL OLYMPICS FUNDS

Sec. 707. There is appropriated from the General Fund to the North Carolina Special Olympics the sum of thirty thousand dollars ($30,000) for fiscal year 1985-86 for operating expenses for the program.

WICCACON CENTER FUNDS

Sec. 708. There is appropriated from the General Fund to the Wiccacon Center in Harrellsville the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to operate the Center, which is a long term treatment facility for substance abusers.

NORTH EAST HUMAN DEVELOPMENT CENTER FUNDS

Sec. 709. There is appropriated from the General Fund to the North East Human Development Center the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and to help support the day care, pre-school tutorial, and hot meals services, and other community services.

BETHLEHEM COMMUNITY CENTER FUNDS

Sec. 710. There is appropriated from the General Fund to the Bethlehem Community Center, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 as a grant-in-aid for general operating expenses.

CASWELL CENTER SAFE FUNDS

Sec. 711. There is appropriated from the General Fund to the Caswell Center in Kinston the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses for SAFE, a shelter for battered spouses and children.

ANGIER SENIOR CITIZENS CENTER FUNDS

Sec. 712. There is appropriated from the General Fund to the Town of Angier the sum of twelve thousand five hundred dollars ($12,500) for fiscal year 1985-86 to restore the Depot in Angier for use as a senior citizen center.

ANGIER SENIOR CITIZENS CENTER FUNDS

Sec. 713. There is appropriated from the General Fund to the Town of Angier the sum of thirteen thousand dollars ($13,000) for fiscal year 1985-86 to restore the Depot in Angier for use as a senior citizen center.

FRANKIE LEMMON SCHOOL FUNDS

Sec. 714. There is appropriated from the General Fund to the Frankie Lemmon Memorial Preschool the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for its programs for developmentally disabled children.

JOHNSTON SPCA FUNDS

Sec. 715. There is appropriated from the General Fund to the Johnston County Society for the Prevention of Cruelty to Animals the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for operating expenses.

INTERACT CENTER FUNDS

Sec. 716. There is appropriated from the General Fund to Interact, Incorporated, of Raleigh the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses for rape crisis intervention, battered women's assistance, and child abuse prevention.

TAMMY LYNN CENTER FUNDS

Sec. 717. There is appropriated from the General Fund to the Tammy Lynn Memorial, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for the Adult Residence of the Intermediate Care Facility for the Mentally Retarded at the Tammy Lynn Center and for other programs of the Center.

BETHLEHEM COMMUNITY CENTER FUNDS

Sec. 718. There is appropriated from the General Fund to the Bethlehem Community Center, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

ONSLOW WOMEN'S CENTER FUNDS

Sec. 719. There is appropriated from the General Fund to the Onslow County Women's Center the sum of six thousand dollars ($6,000) for fiscal year 1985-86 for operating expenses of the Center.

CALDWELL SHELTERED HOME FUNDS

Sec. 720. There is appropriated from the General Fund to Sheltered Home of Caldwell County, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses of the Home.

PART 5. JUSTICE AND PUBLIC SAFETY

MONTGOMERY FIRE COMMISSION FUNDS

Sec. 721. There is appropriated from the General Fund to the Montgomery County Fire Commission the sum of ten thousand dollars

($10,000) for fiscal year 1985-86 for the purchase of fire fighting equipment and for general operating expenses.

PAMLICO FIRE TRAINING GROUND FUNDS

Sec. 722. There is appropriated from the General Fund to the Pamlico County Fire Association, Incorporated, the sum of forty-six thousand dollars ($46,000) for fiscal year 1985-86 to build on the property of Pamlico Technical College a fire training ground, including a two-story fire and smoke house.

CAPE CARTERET FIRE DEPARTMENT FUNDS

Sec. 723. There is appropriated from the General Fund to the Cape Carteret Volunteer Fire and Rescue Department the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to purchase equipment that will enable the Department to participate in a countywide communication system.

WELCH'S CREEK-WHITE MARSH FIRE DEPARTMENT FUNDS

Sec. 724. There is appropriated from the General Fund to the Welch's Creek-White Marsh Community Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

HALLSBORO VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 725. There is appropriated from the General Fund to the Hallsboro Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LOUISBURG POLICE HEADQUARTERS FUNDS

Sec. 726. There is appropriated from the General Fund to the Town of Louisburg the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to renovate the police headquarters.

NAKINA FIRE AND RESCUE FUNDS

Sec. 727. There is appropriated from the General Fund to the Nakina Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LAKE WACCAMAW FIRE AND RESCUE FUNDS

Sec. 728. There is appropriated from the General Fund to the Lake Waccamaw Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

FAIR BLUFF FIRE AND RESCUE FUNDS

Sec. 729. There is appropriated from the General Fund to the Fair Bluff Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CHADBOURN FIRE AND RESCUE FUNDS

Sec. 730. There is appropriated from the General Fund to the Chadbourn Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CERRO GORDO FIRE AND RESCUE FUNDS

Sec. 731. There is appropriated from the General Fund to the Cerro Gordo Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BELL ARTHUR FIRE DEPARTMENT FUNDS

Sec. 732. There is appropriated from the General Fund to the Bell Arthur Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment and buildings.

AYDEN FIRE DEPARTMENT FUNDS

Sec. 733. There is appropriated from the General Fund to the Ayden Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

FALKLAND RESCUE SQUAD FUNDS

Sec. 734. There is appropriated from the General Fund to the Town of Falkland the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for debt retirement and a Rescue Squad building.

ROLESVILLE RESCUE SQUAD FUNDS

Sec. 735. There is appropriated from the General Fund to the Town of Rolesville the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for rescue squad equipment and operating expenses.

HOPKINS FIRE DEPARTMENT FUNDS

Sec. 736. There is appropriated from the General Fund to the Hopkins Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment.

FALLS RURAL FIRE DEPARTMENT FUNDS

Sec. 737. There is appropriated from the General Fund to the Falls Rural Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment.

STONEY HILL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 738. There is appropriated from the General Fund to the Stoney Hill Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment.

SWIFT CREEK FIRE DEPARTMENT FUNDS

Sec. 739. There is appropriated from the General Fund to the Swift Creek Rural Fire Department the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

STONEY HILL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 740. There is appropriated from the General Fund to the Stoney Hill Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

SIX FORKS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 741. There is appropriated from the General Fund to the Six Forks Road Volunteer Fire Department the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for operating expenses.

DURHAM HIGHWAY RURAL FIRE DEPARTMENT FUNDS

Sec. 742. There is appropriated from the General Fund to the Durham Highway Rural Fire Department the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for operating expenses and equipment.

BAYLEAF VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 743. There is appropriated from the General Fund to the Bayleaf Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

WALSTONBURG VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 744. There is appropriated from the General Fund to the Walstonburg Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

SNOW HILL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 745. There is appropriated from the General Fund to the Snow Hill Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

SHINE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 746. There is appropriated from the General Fund to the Shine Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

MAURY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 747. There is appropriated from the General Fund to the Maury Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

HOOKERTON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 748. There is appropriated from the General Fund to the Hookerton Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

FORT RUN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 749. There is appropriated from the General Fund to the Fort Run Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

CASTORIA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 750. There is appropriated from the General Fund to the Castoria Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

BULL HEAD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 751. There is appropriated from the General Fund to the Bull Head Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

ARBA FIRE DEPARTMENT FUNDS

Sec. 752. There is appropriated from the General Fund to the Arba Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

SIMPSON FIRE DEPARTMENT FUNDS

Sec. 753. There is appropriated from the General Fund to the Simpson Fire Department the sum of one thousand fifty dollars ($1,050) for fiscal year 1985-86 to purchase a pump.

SHARP POINT FIRE DEPARTMENT FUNDS

Sec. 754. There is appropriated from the General Fund to the Sharp Point Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

PACTOLUS FIRE DEPARTMENT FUNDS

Sec. 755. There is appropriated from the General Fund to the Pactolus Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment and buildings.

STATON HOUSE FIRE DEPARTMENT FUNDS

Sec. 756. There is appropriated from the General Fund to the Staton House Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

RED OAK FIRE DEPARTMENT FUNDS

Sec. 757. There is appropriated from the General Fund to the Red Oak Fire Department of Pitt County the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

GRIFTON FIRE DEPARTMENT FUNDS

Sec. 758. There is appropriated from the General Fund to the Grifton Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

FOUNTAIN FIRE DEPARTMENT FUNDS

Sec. 759. There is appropriated from the General Fund to the Fountain Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

FARMVILLE FIRE DEPARTMENT FUNDS

Sec. 760. There is appropriated from the General Fund to the Farmville Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

FALKLAND FIRE DEPARTMENT FUNDS

Sec. 761. There is appropriated from the General Fund to the Falkland Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

CLARKS NECK FIRE DEPARTMENT FUNDS

Sec. 762. There is appropriated from the General Fund to the Clarks Neck Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

BLACK JACK FIRE DEPARTMENT FUNDS

Sec. 763. There is appropriated from the General Fund to the Black Jack Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

MAPLE HILL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 764. There is appropriated from the General Fund to the Maple Hill Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

PENDERLEA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 765. There is appropriated from the General Fund to the Penderlea Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ROCKY POINT VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 766. There is appropriated from the General Fund to the Rocky Point Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

AMMON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 767. There is appropriated from the General Fund to the Ammon Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WHITE OAK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 768. There is appropriated from the General Fund to the White Oak Volunteer Fire Department of Bladen County the sum of one thousand

dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

HICKORY GROVE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 769. There is appropriated from the General Fund to the Hickory Grove Volunteer Fire Department of Bladen County, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses.

CARVERS CREEK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 770. There is appropriated from the General Fund to the Carvers Creek Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

GASTON VOLUNTEER RESCUE SQUAD FUNDS

Sec. 771. There is appropriated from the General Fund to the Gaston Volunteer Rescue Squad, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

POLK RESCUE SQUAD BUILDING FUNDS

Sec. 772. There is appropriated from the General Fund to the Polk County Rescue Squad the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for a new building.

FRANKLINTON FIRE AND RESCUE FUNDS

Sec. 773. There is appropriated from the General Fund to the Franklinton Fire Department and Rescue Squad the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

MCDOWELL FIRE COMMISSION FUNDS

Sec. 774. There is appropriated from the General Fund to the McDowell County Fire Commission, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses and equipment.

JUSTICE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 775. There is appropriated from the General Fund to the Justice Volunteer Fire Department of Franklin County the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

GETHSEMANE-RAINBOW PARTNERSHIP FUNDS

Sec. 776. There is appropriated from the General Fund to the Gethsemane Rainbow Partnership, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to operate a home for female ex-offenders in Wake County.

MCDOWELL RESCUE SQUAD FUNDS

Sec. 777. There is appropriated from the General Fund to the McDowell County Rescue Squad, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for operating expenses and equipment.

BETHEL FIRE DEPARTMENT FUNDS

Sec. 778. There is appropriated from the General Fund to the Bethel Fire Department of Pitt County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment and buildings.

SHALLOTTE POINT VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 779. There is appropriated from the General Fund to the Shallotte Point Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

HAMPSTEAD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 780. There is appropriated from the General Fund to the Hampstead Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

SLOOP POINT VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 781. There is appropriated from the General Fund to the Sloop Point Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

TOPSAIL BEACH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 782. There is appropriated from the General Fund to the Topsail Beach Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

SCOTTS HILL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 783. There is appropriated from the General Fund to the Scotts Hill Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

CASTLE HAYNE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 784. There is appropriated from the General Fund to the Castle Hayne Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment.

ACME-DELCO-RIEGELWOOD FIRE & RESCUE FUNDS

Sec. 785. There is appropriated from the General Fund to the Acme-Delco-Riegelwood Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WILLIAMS TOWNSHIP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 786. There is appropriated from the General Fund to the Williams Township Volunteer Fire Department the sum of one thousand

dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BRUNSWICK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 787. There is appropriated from the General Fund to the Brunswick Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

TABOR CITY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 788. There is appropriated from the General Fund to the Tabor City Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

EVERGREEN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 789. There is appropriated from the General Fund to the Evergreen Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WHITEVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 790. There is appropriated from the General Fund to the Whiteville Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BUCKHEAD FIRE AND RESCUE FUNDS

Sec. 791. There is appropriated from the General Fund to the Buckhead Volunteer Fire Department and Rescue Squad, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BOLTON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 792. There is appropriated from the General Fund to the Bolton Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WHITEVILLE RESCUE SQUAD FUNDS

Sec. 793. There is appropriated from the General Fund to the Whiteville Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CALABASH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 794. There is appropriated from the General Fund to the Calabash Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

WACCAMAW VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 795. There is appropriated from the General Fund to the Waccamaw Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

BOILING SPRING LAKES FIRE DEPARTMENT FUNDS

Sec. 796. There is appropriated from the General Fund to the Boiling Spring Lakes Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

LELAND VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 797. There is appropriated from the General Fund to the Leland Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

SUNSET HARBOR-ZION HILL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 798. There is appropriated from the General Fund to the Sunset Harbor-Zion Hill Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

WINNABOW VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 799. There is appropriated from the General Fund to the Winnabow Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

SUPPLY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 800. There is appropriated from the General Fund to the Supply Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

ANSON FIREMEN'S ASSOCIATION FUNDS

Sec. 801. There is appropriated from the General Fund to the Anson County Firemen's Association the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment.

ROSELAND VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 802. There is appropriated from the General Fund to the Roseland Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

TABOR CITY RESCUE SQUAD FUNDS

Sec. 803. There is appropriated from the General Fund to the Tabor City Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

FALCON-GODWIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 804. There is appropriated from the General Fund to the Falcon-Godwin Volunteer Fire Department the sum of two hundred dollars ($200.00) for fiscal year 1985-86 for operating expenses and equipment.

PINEY GROVE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 805. There is appropriated from the General Fund to the Piney Grove Volunteer Fire Department of Sampson County the sum of one

thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

AUTRYVILLE AREA FIRE DEPARTMENT FUNDS

Sec. 806. There is appropriated from the General Fund to the Autryville Area Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

GARLAND VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 807. There is appropriated from the General Fund to the Garland Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

HALLS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 808. There is appropriated from the General Fund to the Halls Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WAYNE FIREMAN'S ASSOCIATION FUNDS

Sec. 809. There is appropriated from the General Fund to the Wayne County Fireman's Association the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to purchase land and develop a fire training center.

KELLY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 810. There is appropriated from the General Fund to the Kelly Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WHITE LAKE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 811. There is appropriated from the General Fund to the White Lake Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

EAST ARCADIA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 812. There is appropriated from the General Fund to the East Arcadia Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ELIZABETHTOWN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 813. There is appropriated from the General Fund to the Elizabethtown Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

DUBLIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 814. There is appropriated from the General Fund to the Dublin Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

TAR HEEL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 815. There is appropriated from the General Fund to the Tar Heel Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BLADENBORO VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 816. There is appropriated from the General Fund to the Bladenboro Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CLARKTON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 817. There is appropriated from the General Fund to the Clarkton Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

TURKEY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 818. There is appropriated from the General Fund to the Turkey Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

VANN'S VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 819. There is appropriated from the General Fund to the Vann's Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

PLAIN VIEW VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 820. There is appropriated from the General Fund to the Plain View Volunteer Fire Department of Sampson County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses.

CLEMENT VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 821. There is appropriated from the General Fund to the Clement Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

NEWTON GROVE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 822. There is appropriated from the General Fund to the Newton Grove Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ROSEBORO VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 823. There is appropriated from the General Fund to the Roseboro Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SPIVEY'S CORNER VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 824. There is appropriated from the General Fund to the Spivey's Corner Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

HARRELLS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 825. There is appropriated from the General Fund to the Harrells Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CARVERS CREEK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 826. There is appropriated from the General Fund to the Carvers Creek Volunteer Fire Department the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to construct a new building.

CLINTON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 827. There is appropriated from the General Fund to the Clinton Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SALEMBURG VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 828. There is appropriated from the General Fund to the Salemburg Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

HERRING VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 829. There is appropriated from the General Fund to the Herring Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BURGAW VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 830. There is appropriated from the General Fund to the Burgaw Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ATKINSON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 831. There is appropriated from the General Fund to the Atkinson Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LONG CREEK-GRADY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 832. There is appropriated from the General Fund to the Long Creek-Grady Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SHILOH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 833. There is appropriated from the General Fund to the Shiloh Volunteer Fire Department of Pender County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CIVITOWN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 834. There is appropriated from the General Fund to the Civitown Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

OCEAN ISLE BEACH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 835. There is appropriated from the General Fund to the Ocean Isle Beach Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

SUNSET BEACH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 836. There is appropriated from the General Fund to the Sunset Beach Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

NEIGHBORHOOD JUSTICE CENTER FUNDS

Sec. 837. There is appropriated from the General Fund to the Winston-Salem Crime Task Force, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to operate the Neighborhood Justice Center, a dispute resolution center.

NEIGHBORHOOD JUSTICE CENTER FUNDS

Sec. 838. There is appropriated from the General Fund to the Winston-Salem Crime Task Force, Incorporated, the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to operate the Neighborhood Justice Center, a dispute resolution center.

CENTERVILLE FIRE AND RESCUE FUNDS

Sec. 839. There is appropriated from the General Fund to the Centerville Fire Department and Rescue Squad the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

ALAMANCE FIRE MARSHALL FUNDS

Sec. 840. There is appropriated from the General Fund to Alamance County the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for the Alamance County Fire Marshall's Office operating expenses and equipment.

NEW HOPE FIRE DEPARTMENT FUNDS

Sec. 841. There is appropriated from the General Fund to the New Hope Fire Department in Wake County the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

FAIRVIEW FIRE DEPARTMENT FUNDS

Sec. 842. There is appropriated from the General Fund to the Fairview Volunteer Fire Department of Wake County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

PILOT VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 843. There is appropriated from the General Fund to the Pilot Volunteer Fire Department in Franklin County the sum of two thousand

five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

EPSON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 844. There is appropriated from the General Fund to the Epson Volunteer Fire Department the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

SAINT JAMES VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 845. There is appropriated from the General Fund to the Saint James Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

NORTH WHITEVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 846. There is appropriated from the General Fund to the North Whiteville Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ELM CITY EMERGENCY SERVICES FUNDS

Sec. 847. There is appropriated from the General Fund to Elm City Emergency Services the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for equipment and operating expenses.

NEIGHBORHOOD JUSTICE CENTER FUNDS

Sec. 848. There is appropriated from the General Fund to the Winston-Salem Crime Task Force, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to operate the Neighborhood Justice Center, a nonprofit dispute resolution center.

NEIGHBORHOOD JUSTICE CENTER FUNDS

Sec. 849. There is appropriated from the General Fund to the Winston-Salem Crime Task Force, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to operate the Neighborhood Justice Center, a nonprofit dispute resolution center.

SOUTHEAST GREENSBORO COUNCIL ON CRIME AND DELINQUENCY FUNDS

Sec. 850. There is appropriated from the General Fund to the Southeast Greensboro Council on Crime and Delinquency the sum of fifty-eight thousand dollars ($58,000) for fiscal year 1985-86 to be allocated as follows:

(1) Thirty thousand dollars ($30,000) to operate the Outreach Coordinator Program to provide a liaison between the public housing communities and the public school system, to strengthen family life and prevent juvenile delinquency; and

(2) Twenty-eight thousand dollars ($28,000) to operate an after-school and evening educational center for area students and families.

GUILFORD DISPUTE SETTLEMENT CENTER FUNDS

Sec. 851. There is appropriated from the General Fund to One Step Further, Incorporated, the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 to operate the Guilford County Dispute Settlement Center.

ELKIN POLICE DEPARTMENT FUNDS

Sec. 852. There is appropriated from the General Fund to the Town of Elkin the sum of seven thousand five hundred dollars ($7,500) for fiscal year 1985-86 to remodel the Elkin Police Department.

MICRO POLICE DEPARTMENT FUNDS

Sec. 853. There is appropriated from the General Fund to the Town of Micro the sum of nine thousand dollars ($9,000) for fiscal year 1985-86 to purchase a new police car for the Micro Police Department.

HENDERSON POLICE TRAINING CENTER FUNDS

Sec. 854. There is appropriated from the General Fund to the Town of Henderson the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the Henderson Police Department Training Center.

HYDE SHERIFF'S DEPARTMENT FUNDS

Sec. 855. There is appropriated from the General Fund to Hyde County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to renovate the Sheriff's Department radio system.

GASTON VOLUNTEER RESCUE SQUAD FUNDS

Sec. 856. There is appropriated from the General Fund to the Gaston Volunteer Rescue Squad, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

JAMESVILLE RESCUE SQUAD FUNDS

Sec. 857. There is appropriated from the General Fund to the Jamesville Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WILLIAMSTON RESCUE SQUAD FUNDS

Sec. 858. There is appropriated from the General Fund to the Williamston Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

COMMUNITY RESCUE SQUAD FUNDS

Sec. 859. There is appropriated from the General Fund to the Community Rescue Squad of Bath the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WASHINGTON RESCUE SQUAD FUNDS

Sec. 860. There is appropriated from the General Fund to the Washington Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BLOUNT'S CREEK RESCUE SQUAD FUNDS

Sec. 861. There is appropriated from the General Fund to the Blount's Creek Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

AURORA RESCUE SQUAD FUNDS

Sec. 860a. There is appropriated from the General Fund to the Aurora Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LONG ACRE TOWNSHIP RESCUE SQUAD FUNDS

Sec. 861a. There is appropriated from the General Fund to the Long Acre Township Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

STONY CREEK RESCUE SQUAD FUNDS

Sec. 862. There is appropriated from the General Fund to the Stony Creek Rescue Squad the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to purchase new equipment.

STANTONSBURG RESCUE SQUAD FUNDS

Sec. 863. There is appropriated from the General Fund to the Stantonsburg Rescue Squad the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to purchase new equipment.

COOPERS RESCUE SQUAD FUNDS

Sec. 864. There is appropriated from the General Fund to the Coopers Rescue Squad the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to purchase new equipment.

ROANOKE VALLEY RESCUE SQUAD FUNDS

Sec. 865. There is appropriated from the General Fund to the Roanoke Valley Rescue Squad the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to purchase new equipment.

MOUNT PLEASANT RESCUE SQUAD FUNDS

Sec. 866. There is appropriated from the General Fund to the Mount Pleasant Rescue Squad the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to purchase new equipment.

MOMEYER RESCUE SQUAD FUNDS

Sec. 867. There is appropriated from the General Fund to the Momeyer Rescue Squad the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to purchase new equipment.

WILSON RESCUE SQUAD FUNDS

Sec. 868. There is appropriated from the General Fund to the Wilson County Rescue Squad the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to purchase new equipment.

BUTNER RESCUE SQUAD FUNDS

Sec. 869. There is appropriated from the General Fund to the Butner Rescue Squad, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

GARNER VOLUNTEER RESCUE SQUAD FUNDS

Sec. 870. There is appropriated from the General Fund to the Garner Volunteer Rescue Squad the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for operating expenses and equipment.

CERRO GORDO FIRE AND RESCUE FUNDS

Sec. 871. There is appropriated from the General Fund to the Cerro Gordo Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CHADBOURN FIRE AND RESCUE FUNDS

Sec. 872. There is appropriated from the General Fund to the Chadbourn Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BUCKHEAD FIRE AND RESCUE FUNDS

Sec. 873. There is appropriated from the General Fund to the Buckhead Volunteer Fire Department and Rescue Squad, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

TABOR CITY RESCUE SQUAD FUNDS

Sec. 874. There is appropriated from the General Fund to the Tabor City Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LAKE WACCAMAW FIRE AND RESCUE FUNDS

Sec. 875. There is appropriated from the General Fund to the Lake Waccamaw Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SOUTH ROBESON RESCUE UNIT FUNDS

Sec. 876. There is appropriated from the General Fund to the South Robeson Rescue Unit the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to complete construction of a building to house an ambulance and other equipment.

PARKTON RESCUE SQUAD FUNDS

Sec. 877. There is appropriated from the General Fund to the Parkton Rescue Squad the sum of four thousand dollars ($4,000) for fiscal

year 1985-86 to complete construction of a building to house an ambulance and equipment.

LOUISBURG RESCUE SERVICE FUNDS

Sec. 878. There is appropriated from the General Fund to the Louisburg Rescue Service the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

GRIFFINS TOWNSHIP FIRE DEPARTMENT FUNDS

Sec. 879. There is appropriated from the General Fund to the Griffins Township Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BELVOIR FIRE DEPARTMENT FUNDS

Sec. 880. There is appropriated from the General Fund to the Belvoir Fire Department the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 for operating expenses and equipment.

FOUNTAIN FIRE DEPARTMENT FUNDS

Sec. 881. There is appropriated from the General Fund to the Fountain Fire Department the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 for operating expenses and equipment.

RED SPRINGS FIRE DEPARTMENT FUNDS

Sec. 882. There is appropriated from the General Fund to the Red Springs Fire Department the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to complete a building to house a fire truck and equipment.

SOUTH GASTONIA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 883. There is appropriated from the General Fund to the South Gastonia Volunteer Fire Department the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to purchase a fire engine.

ASHE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 884. There is appropriated from the General Fund to Ashe County the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment for a volunteer fire department.

YAUPON BEACH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 885. There is appropriated from the General Fund to the Yaupon Beach Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SHALLOTTE POINT VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 886. There is appropriated from the General Fund to the Shallotte Point Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CALABASH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 887. There is appropriated from the General Fund to the Calabash Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SHALLOTTE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 888. There is appropriated from the General Fund to the Shallotte Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SUNSET BEACH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 889. There is appropriated from the General Fund to the Sunset Beach Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LONG BEACH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 890. There is appropriated from the General Fund to the Long Beach Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CIVITOWN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 891. There is appropriated from the General Fund to the Civitown Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CHOCOWINITY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 892. There is appropriated from the General Fund to the Chocowinity Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

PAMLICO BEACH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 893. There is appropriated from the General Fund to the Pamlico Beach Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BLOUNT'S CREEK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 894. There is appropriated from the General Fund to the Blount's Creek Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

OLD FORD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 895. There is appropriated from the General Fund to the Old Ford Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BATH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 896. There is appropriated from the General Fund to the Bath Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

AURORA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 897. There is appropriated from the General Fund to the Aurora Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

PINE TOWN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 898. There is appropriated from the General Fund to the Pine Town Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LONG ACRE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 899. There is appropriated from the General Fund to the Long Acre Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BUNYAN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 900. There is appropriated from the General Fund to the Bunyan Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SIDNEY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 901. There is appropriated from the General Fund to the Sidney Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WILLIAMSTON FIRE DEPARTMENT FUNDS

Sec. 902. There is appropriated from the General Fund to the Williamston Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

JAMESVILLE FIRE DEPARTMENT FUNDS

Sec. 903. There is appropriated from the General Fund to the Jamesville Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BEAR GRASS FIRE DEPARTMENT FUNDS

Sec. 904. There is appropriated from the General Fund to the Bear Grass Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

GOLD SAND FIRE DEPARTMENT FUNDS

Sec. 905. There is appropriated from the General Fund to the Gold Sand Fire Department the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

BUNN FIRE DEPARTMENT FUNDS

Sec. 906. There is appropriated from the General Fund to the Bunn Fire Department the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

HARRELLS VOLUNTEER FIRE DEPARTMENT CONSTRUCTION FUNDS

Sec. 907. There is appropriated from the General Fund to the Harrells Volunteer Fire Department the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for construction of a fire station at Ivanhoe.

MITCHINER'S CROSSROADS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 908. There is appropriated from the General Fund to the Mitchiner's Crossroads Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

HILLSBOROUGH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 909. There is appropriated from the General Fund to the Hillsborough Volunteer Fire Department the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

STONEY HILL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 910. There is appropriated from the General Fund to the Stoney Hill Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

ROLESVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 911. There is appropriated from the General Fund to the Rolesville Volunteer Fire Department the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

NEW HOPE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 912. There is appropriated from the General Fund to the New Hope Volunteer Fire Department the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

KNIGHTDALE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 913. There is appropriated from the General Fund to the Knightdale Volunteer Fire Department the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

HOPKINS FIRE DEPARTMENT FUNDS

Sec. 914. There is appropriated from the General Fund to the Hopkins Fire Department the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

BAYLEAF VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 915. There is appropriated from the General Fund to the Bayleaf Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

YOUNGSVILLE FIRE DEPARTMENT FUNDS

Sec. 916. There is appropriated from the General Fund to the Youngsville Fire Department the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

WHITE LEVEL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 917. There is appropriated from the General Fund to the White Level Volunteer Fire Department the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for operating expenses and equipment.

CARVERS CREEK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 918. There is appropriated from the General Fund to the Carvers Creek Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

EAST ARCADIA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 919. There is appropriated from the General Fund to the East Arcadia Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WHITE LAKE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 920. There is appropriated from the General Fund to the White Lake Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

AMMON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 921. There is appropriated from the General Fund to the Ammon Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

KELLY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 922. There is appropriated from the General Fund to the Kelly Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ELIZABETHTOWN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 923. There is appropriated from the General Fund to the Elizabethtown Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

DUBLIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 924. There is appropriated from the General Fund to the Dublin Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

TAR HEEL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 925. There is appropriated from the General Fund to the Tar Heel Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BLADENBORO VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 926. There is appropriated from the General Fund to the Bladenboro Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CLARKTON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 927. There is appropriated from the General Fund to the Clarkton Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WHITEVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 928. There is appropriated from the General Fund to the Whiteville Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SAINT JAMES VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 929. There is appropriated from the General Fund to the Saint James Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ACME-DELCO-RIEGELWOOD VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD FUNDS

Sec. 930. There is appropriated from the General Fund to the Acme-Delco-Riegelwood Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

HALLSBORO VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 931. There is appropriated from the General Fund to the Hallsboro Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BOLTON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 932. There is appropriated from the General Fund to the Bolton Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

TABOR CITY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 933. There is appropriated from the General Fund to the Tabor City Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WILLIAMS TOWNSHIP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 934. There is appropriated from the General Fund to the Williams Township Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ROSELAND VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 935. There is appropriated from the General Fund to the Roseland Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

NORTH WHITEVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 936. There is appropriated from the General Fund to the North Whiteville Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WELCH'S CREEK-WHITE MARSH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 937. There is appropriated from the General Fund to the Welch's Creek-White Marsh Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BRUNSWICK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 938. There is appropriated from the General Fund to the Brunswick Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

EVERGREEN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 939. There is appropriated from the General Fund to the Evergreen Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

TRI-BEACH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 940. There is appropriated from the General Fund to the Tri-Beach Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SUPPLY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 941. There is appropriated from the General Fund to the Supply Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WINNABOW VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 942. There is appropriated from the General Fund to the Winnabow Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SUNSET HARBOR-ZION HILL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 943. There is appropriated from the General Fund to the Sunset Harbor-Zion Hill Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BOLIVIA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 944. There is appropriated from the General Fund to the Bolivia Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LELAND VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 945. There is appropriated from the General Fund to the Leland Volunteer Five Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BOILING SPRING LAKES VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 946. There is appropriated from the General Fund to the Boiling Spring Lakes Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WACCAMAW VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 947. There is appropriated from the General Fund to the Waccamaw Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SOUTHPORT VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 948. There is appropriated from the General Fund to the Southport Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SCUFFLETON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 949. There is appropriated from the General Fund to the Scuffleton Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

CAROLINA TOWNSHIP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 950. There is appropriated from the General Fund to the Carolina Township Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses, equipment, and buildings.

WRIGHTSBORO VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 951. There is appropriated from the General Fund to the Wrightsboro Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

NORTHWEST VOLUNTEER FIRE AND RESCUE FUNDS

Sec. 952. There is appropriated from the General Fund to the Northwest Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital expenditures.

TRI-BEACH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 953. There is appropriated from the General Fund to the Tri-Beach Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BOLIVIA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 954. There is appropriated from the General Fund to the Bolivia Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

PAMLICO BEACH RESCUE SQUAD FUNDS

Sec. 955. There is appropriated from the General Fund to the Pamlico Beach Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

MORRISVILLE RURAL FIRE DEPARTMENT FUNDS

Sec. 956. There is appropriated from the General Fund to the Morrisville Rural Fire Department of Wake County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

YRAC VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 957. There is appropriated from the General Fund to the YRAC Volunteer Fire Department of Cary the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

SOUTH POINT LIFESAVING CREW FUNDS

Sec. 958. There is appropriated from the General Fund to the South Point Lifesaving Crew, Incorporated, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for the building fund to be used to relocate their headquarters.

LISBON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 959. There is appropriated from the General Fund to the Lisbon Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ROBESON EMERGENCY SERVICE FUNDS

Sec. 960. There is appropriated from the General Fund to the Robeson County Emergency Service the sum of fourteen thousand two hundred fifty dollars ($14,250) for fiscal year 1985-86 for training equipment.

MAURY RESCUE SERVICE FUNDS

Sec. 961. There is appropriated from the General Fund to the Maury Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to be used exclusively for The First Responders project.

JASON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 962. There is appropriated from the General Fund to the Jason Volunteer Fire Department of Greene County the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for equipment and buildings.

DUPLIN LAW ENFORCEMENT ASSOCIATION FUNDS

Sec. 963. There is appropriated from the General Fund to the Duplin County Law Enforcement Association the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment to assist the Sheriff's Office, State Bureau of Investigation, Highway Patrol, and Alcohol Law Enforcement Officers with law enforcement projects.

FAIR BLUFF FIRE AND RESCUE FUNDS

Sec. 964. There is appropriated from the General Fund to the Fair Bluff Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

NAKINA FIRE AND RESCUE FUNDS

Sec. 965. There is appropriated from the General Fund to the Nakina Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

BEAVER DAM VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 966. There is appropriated from the General Fund to the Beaver Dam Volunteer Fire Department of Cumberland County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

WHITE OAK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 967. There is appropriated from the General Fund to the White Oak Volunteer Fire Department of Bladen County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

HICKORY GROVE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 968. There is appropriated from the General Fund to the Hickory Grove Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

OCEAN ISLE BEACH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 969. There is appropriated from the General Fund to the Ocean Isle Beach Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ELM CITY RESCUE SQUAD FUNDS

Sec. 970. There is appropriated from the General Fund to the Elm City Rescue Squad the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

ROBESON EMERGENCY SERVICE FUNDS

Sec. 971. There is appropriated from the General Fund to the Robeson County Emergency Service the sum of twenty-two thousand five hundred dollars ($22,500) for fiscal year 1985-86 for equipment and training for the fire departments and rescue squads of Robeson County.

FRANKLINTON FIRE AND RESCUE FUNDS

Sec. 972. There is appropriated from the General Fund to the Franklinton Fire Department and the Franklinton Rescue Service the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to be divided equally between the Franklinton Fire Department and the Rescue Service for equipment and operating expenses.

FAIRGROUND FIRE DEPARTMENT FUNDS

Sec. 973. There is appropriated from the General Fund to the Fairground Fire Department of Wake County the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

NORTHWEST VOLUNTEER FIRE AND RESCUE FUNDS

Sec. 974. There is appropriated from the General Fund to the Northwest Volunteer Fire and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WARREN RESCUE SQUAD FUNDS

Sec. 975. There is appropriated from the General Fund to the Warren County Rescue Squad in Littleton the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to purchase new equipment.

CRAVEN VOLUNTEER FIREMEN'S FUNDS

Sec. 976. There is appropriated from the General Fund to the Craven County Volunteer Firemen's Association the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for an air compressor.

ANTIOCH FIRE DEPARTMENT FUNDS

Sec. 977. There is appropriated from the General Fund to the Antioch Fire Department of Granville County the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

CORNWALL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 978. There is appropriated from the General Fund to the Cornwall Volunteer Fire Department of Granville County the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

SMITH'S VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 979. There is appropriated from the General Fund to the Smith's Volunteer Fire Department of Robeson County the sum of four

thousand dollars ($4,000) for fiscal year 1985-86 for operating expenses, equipment and construction of a fire station.

ORANGE FIRE FIGHTERS ASSOCIATION FUNDS

Sec. 980. There is appropriated from the General Fund to the Orange County Fire Fighters Association the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for training equipment for the training programs of the ten fire departments in Orange County.

ORANGE FIRE FIGHTERS ASSOCIATION FUNDS

Sec. 981. There is appropriated from the General Fund to the Orange County Fire Fighters Association the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment.

HOKE RESCUE AND FIREMEN FUNDS

Sec. 982. There is appropriated from the General Fund to Hoke County the sum of fourteen thousand two hundred fifty dollars ($14,250) for fiscal year 1985-86 for an air compressor to fill the air tanks for the rescue squad and firemen.

NAVASSA VOLUNTEER FIRE AND RESCUE FUNDS

Sec. 983. There is appropriated from the General Fund to the Navassa Volunteer Fire and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

NAVASSA VOLUNTEER FIRE AND RESCUE FUNDS

Sec. 984. There is appropriated from the General Fund to the Navassa Volunteer Fire and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SHALLOTTE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 985. There is appropriated from the General Fund to the Shallotte Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

CORNWALL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 986. There is appropriated from the General Fund to the Cornwall Volunteer Fire Department the sum of eighteen thousand dollars ($18,000) for fiscal year 1985-86 for equipment and operating expenses.

ROCKINGHAM FIRE MARSHALL'S OFFICE FUNDS

Sec. 987. There is appropriated from the General Fund to the Rockingham County Fire Marshall's Office - Office of Emergency Management the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

HENDERSON POLICE DEPARTMENT FUNDS

Sec. 988. There is appropriated from the General Fund to the Henderson Police Department Training Center the sum of five thousand

dollars ($5,000) for fiscal year 1985-86 for programs and operating expenses.

SOUTH STOKES FIRE AND RESCUE SQUAD FUNDS

Sec. 989. There is appropriated from the General Fund to the South Stokes Fire and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

WALNUT COVE FIRE AND RESCUE SQUAD FUNDS

Sec. 990. There is appropriated from the General Fund to the Walnut Cove Fire and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

KING VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD FUNDS

Sec. 991. There is appropriated from the General Fund to the King Volunteer Fire Department and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

SAURATOWN FIRE AND RESCUE SQUAD FUNDS

Sec. 992. There is appropriated from the General Fund to the Sauratown Fire and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

FRANCISCO FIRE AND RESCUE DEPARTMENT FUNDS

Sec. 993. There is appropriated from the General Fund to the Francisco Fire and Rescue Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

NORTHWEST WATAUGA FIRE DEPARTMENT FUNDS

Sec. 994. There is appropriated from the General Fund to the Northwest Watauga Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

ZIONVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 995. There is appropriated from the General Fund to the Zionville Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

WATAUGA AMBULANCE SERVICE FUNDS

Sec. 996. There is appropriated from the General Fund to the Watauga Ambulance Service, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

WATAUGA EMERGENCY AND RESCUE SQUAD FUNDS

Sec. 997. There is appropriated from the General Fund to the Watauga Emergency and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

DOBSON RESCUE SQUAD FUNDS

Sec. 998. There is appropriated from the General Fund to the Dobson Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

ELKIN RESCUE SQUAD FUNDS

Sec. 999. There is appropriated from the General Fund to the Elkin Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

MOUNT AIRY RESCUE SQUAD FUNDS

Sec. 1000. There is appropriated from the General Fund to the Mount Airy Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

PILOT MOUNTAIN RESCUE SQUAD FUNDS

Sec. 1001. There is appropriated from the General Fund to the Pilot Mountain Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

MOUNTAIN PARK RESCUE SQUAD FUNDS

Sec. 1002. There is appropriated from the General Fund to the Mountain Park Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

LAWSONVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1003. There is appropriated from the General Fund to the Lawsonville Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

DANBURY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1004. There is appropriated from the General Fund to the Danbury Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

MEAT CAMP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1005. There is appropriated from the General Fund to the Meat Camp Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

FOSCOE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1006. There is appropriated from the General Fund to the Foscoe Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

DEEP GAP FIRE DEPARTMENT FUNDS

Sec. 1007. There is appropriated from the General Fund to the Deep Gap Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

COVE CREEK FIRE DEPARTMENT FUNDS

Sec. 1008. There is appropriated from the General Fund to the Cove Creek Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

BOONE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1009. There is appropriated from the General Fund to the Boone Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

BLOWING ROCK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1010. There is appropriated from the General Fund to the Blowing Rock Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

BEECH MOUNTAIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1011. There is appropriated from the General Fund to the Beech Mountain Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

BEAVER DAM VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1012. There is appropriated from the General Fund to the Beaver Dam Volunteer Fire Department of Watauga County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

WHITE PLAINS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1013. There is appropriated from the General Fund to the White Plains Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

WESTFIELD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1014. There is appropriated from the General Fund to the Westfield Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

STATE ROAD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1015. There is appropriated from the General Fund to the State Road Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

SOUTH SURRY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1016. There is appropriated from the General Fund to the South Surry Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

SKULL CAMP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1017. There is appropriated from the General Fund to the Skull Camp Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

PINE RIDGE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1018. There is appropriated from the General Fund to the Pine Ridge Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

PILOT MOUNTAIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1019. There is appropriated from the General Fund to the Pilot Mountain Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

PILOT KNOB VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1020. There is appropriated from the General Fund to the Pilot Knob Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

MOUNTAIN PARK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1021. There is appropriated from the General Fund to the Mountain Park Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

MOUNT AIRY FIRE DEPARTMENT FUNDS

Sec. 1022. There is appropriated from the General Fund to the Mount Airy Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

JOT-UM-DOWN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1023. There is appropriated from the General Fund to the Jot-Um-Down Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

FRANKLIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1024. There is appropriated from the General Fund to the Franklin Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

FOUR WAY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1025. There is appropriated from the General Fund to the Four Way Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

ELKIN FIRE DEPARTMENT FUNDS

Sec. 1026. There is appropriated from the General Fund to the Elkin Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

DOBSON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1027. There is appropriated from the General Fund to the Dobson Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

CENTRAL SURRY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1028. There is appropriated from the General Fund to the Central Surry Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

CAMP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1029. There is appropriated from the General Fund to the Camp Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

BANNERTOWN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1030. There is appropriated from the General Fund to the Bannertown Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements and equipment.

LENOIR LAW ENFORCEMENT FUNDS

Sec. 1031. There is appropriated from the General Fund to the Jones-Greene-Lenoir County Law Enforcement Association the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to be used exclusively for law enforcement associations and offices in Lenoir County to continue programs to promote public awareness of law enforcement.

PINNACLE FIRE AND RESCUE FUNDS

Sec. 1032. There is appropriated from the General Fund to the Pinnacle Fire and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital outlay or equipment.

NORTH EAST STOKES FIRE AND RESCUE FUNDS

Sec. 1033. There is appropriated from the General Fund to the North East Stokes Fire and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital outlay or equipment.

STOKES ROCKINGHAM FIRE AND RESCUE FUNDS

Sec. 1034. There is appropriated from the General Fund to the Stokes Rockingham Fire and Rescue Squad the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital outlay or equipment.

STARR VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1035. There is appropriated from the General Fund to the Starr Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

STACK ROAD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1036. There is appropriated from the General Fund to the Stack Road Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

STALLINGS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1037. There is appropriated from the General Fund to the Stallings Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

CITY OF MONROE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1038. There is appropriated from the General Fund to the City of Monroe Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

WINGATE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1039. There is appropriated from the General Fund to the Wingate Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

WESLEY CHAPEL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1040. There is appropriated from the General Fund to the Wesley Chapel Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

LANES CREEK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1041. There is appropriated from the General Fund to the Lanes Creek Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

JACKSON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1042. There is appropriated from the General Fund to the Jackson Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

HEMBY BRIDGE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1043. There is appropriated from the General Fund to the Hemby Bridge Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

FAIRVIEW VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1044. There is appropriated from the General Fund to the Fairview Volunteer Fire Department of Union County the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

ENDY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1045. There is appropriated from the General Fund to the Endy Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

LOCUST VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1046. There is appropriated from the General Fund to the Locust Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

MILLINGPORT VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1047. There is appropriated from the General Fund to the Millingport Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

NEW LONDON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1048. There is appropriated from the General Fund to the New London Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

BETHANY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1049. There is appropriated from the General Fund to the Bethany Volunteer Fire Department in Stanly County the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

BEAVER LANE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1050. There is appropriated from the General Fund to the Beaver Lane Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

BAKERS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1051. There is appropriated from the General Fund to the Bakers Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

ALLENS CROSSROADS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1052. There is appropriated from the General Fund to the Allens Crossroads Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

BADIN LAKE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1053. There is appropriated from the General Fund to the Badin Lake Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

TROY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1054. There is appropriated from the General Fund to the Troy Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

WADEVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1055. There is appropriated from the General Fund to the Wadeville Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

BISCOE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1056. There is appropriated from the General Fund to the Biscoe Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

CANDOR VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1057. There is appropriated from the General Fund to the Candor Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

MOUNT GILEAD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1058. There is appropriated from the General Fund to the Mount Gilead Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

WADESBORO VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1059. There is appropriated from the General Fund to the Wadesboro Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

LILESVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1060. There is appropriated from the General Fund to the Lilesville Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

GULLEDGE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1061. There is appropriated from the General Fund to the Gulledge Volunteer Fire Department the sum of one thousand two hundred dollars $1,200) for fiscal year 1985-86 for operating expenses and equipment.

POLKTON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1062. There is appropriated from the General Fund to the Polkton Volunteer Fire Department the sum of one thousand two hundred

dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

MORVEN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1063. There is appropriated from the General Fund to the Morven Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

ALBEMARLE CITY FIRE DEPARTMENT FUNDS

Sec. 1064. There is appropriated from the General Fund to the Albemarle City Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

AQUADALE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1065. There is appropriated from the General Fund to the Aquadale Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

BIG LICK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1066. There is appropriated from the General Fund to the Big Lick Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

OAKBORO CITY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1067. There is appropriated from the General Fund to the Oakboro City Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

RICHFIELD-MISENHEIMER VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1068. There is appropriated from the General Fund to the Richfield-Misenheimer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

RIDGECREST VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1069. There is appropriated from the General Fund to the Ridgecrest Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

SOUTHSIDE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1070. There is appropriated from the General Fund to the Southside Volunteer Fire Department the sum of one thousand two

hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

ROCKY RIVER VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1071. There is appropriated from the General Fund to the Rocky River Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

BADIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1072. There is appropriated from the General Fund to the Badin Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

PEACHLAND VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1073. There is appropriated from the General Fund to the Peachland Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

ANSONVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1074. There is appropriated from the General Fund to the Ansonville Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses.

BADIN-YADKIN VALLEY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1075. There is appropriated from the General Fund to the Badin-Yadkin Valley Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

NORWOOD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1076. There is appropriated from the General Fund to the Norwood Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

NORWOOD-CENTER RURAL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1077. There is appropriated from the General Fund to the Norwood-Center Rural Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

BADIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1078. There is appropriated from the General Fund to the Badin Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

MOUNT GILEAD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1079. There is appropriated from the General Fund to the Mount Gilead Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CANDOR VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1080. There is appropriated from the General Fund to the Candor Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

STARR VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1081. There is appropriated from the General Fund to the Starr Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BURNSVILLE TOWNSHIP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1082. There is appropriated from the General Fund to the Burnsville Township Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

NORWOOD-CENTER RURAL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1083. There is appropriated from the General Fund to the Norwood-Center Rural Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

NORWOOD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1084. There is appropriated from the General Fund to the Norwood Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

NEW LONDON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1085. There is appropriated from the General Fund to the New London Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

MILLINGPORT VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1086. There is appropriated from the General Fund to the Millingport Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LOCUST VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1087. There is appropriated from the General Fund to the Locust Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ENDY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1088. There is appropriated from the General Fund to the Endy Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BADIN-YADKIN VALLEY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1089. There is appropriated from the General Fund to the Badin-Yadkin Valley Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

MAXTON RURAL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1090. There is appropriated from the General Fund to the Maxton Rural Volunteer Fire Department in Robeson County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SPRINGHILL-FRIENDSHIP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1091. There is appropriated from the General Fund to the Springhill-Friendship Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

GIBSON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1092. There is appropriated from the General Fund to the Gibson Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WAGRAM VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1093. There is appropriated from the General Fund to the Wagram Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LAUREL HILL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1094. There is appropriated from the General Fund to the Laurel Hill Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

STEWARTSVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1095. There is appropriated from the General Fund to the Stewartsville Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

EASTSIDE VOLUNTEER FIRE DEPARTMENTS, #1, and #2 FUNDS

Sec. 1096. There is appropriated from the General Fund to the Eastside Volunteer Fire Department #1 and Eastside Volunteer Fire Department #2 the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 to be divided equally between the two departments for equipment and operating expenses.

EASTSIDE VOLUNTEER FIRE DEPARTMENTS, #1 and #2 FUNDS

Sec. 1097. There is appropriated from the General Fund to the Eastside Volunteer Fire Department #1 and Eastside Volunteer Fire Department #2 the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to be divided equally between the two departments for equipment and operating expenses.

BADIN LAKE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1098. There is appropriated from the General Fund to the Badin Lake Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

UWHARRIE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1099. There is appropriated from the General Fund to the Uwharrie Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WADEVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1100. There is appropriated from the General Fund to the Wadeville Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

TROY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1101. There is appropriated from the General Fund to the Troy Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BISCOE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1102. There is appropriated from the General Fund to the Biscoe Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LAURINBURG FIRE DEPARTMENT FUNDS

Sec. 1103. There is appropriated from the General Fund to the Laurinburg Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SPRINGS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1104. There is appropriated from the General Fund to the Springs Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

NEW SALEM VOLUNTEER FIRE DEPARTMENT-SUBSTATION 3 FUNDS

Sec. 1105. There is appropriated from the General Fund to the New Salem Volunteer Fire Department-Substation 3 the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

NEW SALEM VOLUNTEER FIRE DEPARTMENT-SUBSTATION 2 FUNDS

Sec. 1106. There is appropriated from the General Fund to the New Salem Volunteer Fire Department-Substation 2 the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses.

NEW SALEM VOLUNTEER FIRE DEPARTMENT-SUBSTATION 1 FUNDS

Sec. 1107. There is appropriated from the General Fund to the New Salem Volunteer Fire Department-Substation 1 the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

NEW SALEM VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1108. There is appropriated from the General Fund to the New Salem Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

STEWARTSVILLE FIRE DEPARTMENT FUNDS

Sec. 1109. There is appropriated from the General Fund to the Stewartsville Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

BURNSVILLE TOWNSHIP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1110. There is appropriated from the General Fund to the Burnsville Township Volunteer Fire Department in Anson County the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

SANDY RIDGE VOLUNTEER FIRE DEPARTMENT SUBSTATION FUNDS

Sec. 1111. There is appropriated from the General Fund to the Sandy Ridge Volunteer Fire Department Substation the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

SANDY RIDGE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1112. There is appropriated from the General Fund to the Sandy Ridge Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

WAXHAW VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD FUNDS

Sec. 1113. There is appropriated from the General Fund to the Waxhaw Volunteer Fire Department and Rescue Squad the sum of one

thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

WAXHAW-JARRIS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1114. There is appropriated from the General Fund to the Waxhaw-Jarris Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

UNIONVILLE VOLUNTEER FIRE DEPARTMENT-CRESTVIEW SUBSTATION FUNDS

Sec. 1115. There is appropriated from the General Fund to the Unionville Volunteer Fire Department-Crestview Substation the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

UNIONVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1116. There is appropriated from the General Fund to the Unionville Volunteer Fire Department the sum of one thousand eight hundred dollars ($1,800) for fiscal year 1985-86 for operating expenses and equipment.

SPRINGS VOLUNTEER FIRE DEPARTMENT-SUBSTATION 2 FUNDS

Sec. 1117. There is appropriated from the General Fund to the Springs Volunteer Fire Department-Springs Substation 2 the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

SPRINGS VOLUNTEER FIRE DEPARTMENT-SUBSTATION FUNDS

Sec. 1118. There is appropriated from the General Fund to the Springs Volunteer Fire Department-Springs Substation 1 the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

SPRINGHILL-FRIENDSHIP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1119. There is appropriated from the General Fund to the Springhill-Friendship Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

MAXTON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1120. There is appropriated from the General Fund to the Maxton Volunteer Fire Department of Robeson County the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

UWHARRIE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1121. There is appropriated from the General Fund to the Uwharrie Volunteer Fire Department the sum of one thousand two

hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

ALBEMARLE CITY FIRE DEPARTMENT FUNDS

Sec. 1122. There is appropriated from the General Fund to the Albemarle City Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment and operating expenses.

AQUADALE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1123. There is appropriated from the General Fund to the Aquadale Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BETHANY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1124. There is appropriated from the General Fund to the Bethany Volunteer Fire Department in Stanly County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

BIG LICK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1125. There is appropriated from the General Fund to the Big Lick Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

OAKBORO CITY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1126. There is appropriated from the General Fund to the Oakboro City Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

RICHFIELD-MISENHEIMER VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1127. There is appropriated from the General Fund to the Richfield-Misenheimer Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

RIDGECREST VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1128. There is appropriated from the General Fund to the Ridgecrest Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ROCKY RIVER VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1129. There is appropriated from the General Fund to the Rocky River Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

SOUTHSIDE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1130. There is appropriated from the General Fund to the Southside Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WADESBORO VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1131. There is appropriated from the General Fund to the Wadesboro Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

POLKTON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1132. There is appropriated from the General Fund to the Polkton Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

PEACHLAND VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1133. There is appropriated from the General Fund to the Peachland Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

MORVEN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1134. There is appropriated from the General Fund to the Morven Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

LILESVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1135. There is appropriated from the General Fund to the Lilesville Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

WAYNE RESCUE SQUAD ASSOCIATION FUNDS

Sec. 1136. There is appropriated from the General Fund to the Wayne County Rescue Squad Association the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to be allocated equally among the five following rescue squads in Wayne County: Grantham, Fremont, Mount Olive, Seven Springs, and Goldsboro.

GREENE RESCUE SQUAD ASSOCIATION FUNDS

Sec. 1137. There is appropriated from the General Fund to the Greene County Rescue Squad Association the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to be allocated equally among the six following rescue squads in Greene County: Arba, Castalia, Shine, Walstonburg, Hookerton, and Snow Hill.

MARKS CREEK RESCUE AND FIRE FUNDS

Sec. 1138. There is appropriated from the General Fund to the Marks Creek Life Saving and Fire Assistance Corporation the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to purchase equipment for that rescue squad.

RICHMOND RESCUE SQUAD-ROCKINGHAM FUNDS

Sec. 1139. There is appropriated from the General Fund to the Richmond County Rescue Squad-Rockingham Unit the sum of five

thousand dollars ($5,000) for fiscal year 1985-86 to provide funds to assist in the construction of a new building.

HOFFMAN RESCUE SQUAD FUNDS

Sec. 1140. There is appropriated from the General Fund to the Hoffman Rescue Squad the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to purchase equipment.

GULLEDGE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1141. There is appropriated from the General Fund to the Gulledge Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ANSONVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1142. There is appropriated from the General Fund to the Ansonville Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

DOBBINS HEIGHTS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1143. There is appropriated from the General Fund to the Dobbins Heights Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

HAMLET FIRE DEPARTMENT FUNDS

Sec. 1144. There is appropriated from the General Fund to the Hamlet Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ELLERBE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1145. There is appropriated from the General Fund to the Ellerbe Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

EAST ROCKINGHAM VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1146. There is appropriated from the General Fund to the East Rockingham Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

ROCKINGHAM FIRE DEPARTMENT FUNDS

Sec. 1147. There is appropriated from the General Fund to the Rockingham Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

MOUNTAIN CREEK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1148. There is appropriated from the General Fund to the Mountain Creek Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

HOFFMAN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1149. There is appropriated from the General Fund to the Hoffman Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

NORTHSIDE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1150. There is appropriated from the General Fund to the Northside Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

CORDOVA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1151. There is appropriated from the General Fund to the Cordova Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses and equipment.

RICHMOND RESCUE SQUAD-ELLERBE FUNDS

Sec. 1152. There is appropriated from the General Fund to the Richmond County Rescue Squad-Ellerbe Unit the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to purchase equipment.

SOUTH GRANVILLE RESCUE FUNDS

Sec. 1153. There is appropriated from the General Fund to the South Granville Rescue Squad, Incorporated, the sum of thirteen thousand dollars ($13,000) for fiscal year 1985-86 for equipment and operating expenses.

ANTIOCH FIRE DEPARTMENT FUNDS

Sec. 1154. There is appropriated from the General Fund to the Antioch Fire Department of Granville County the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

BEREA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1155. There is appropriated from the General Fund to the Berea Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

BULLOCK FIRE DEPARTMENT FUNDS

Sec. 1156. There is appropriated from the General Fund to the Bullock Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

CORINTH FIRE DEPARTMENT FUNDS

Sec. 1157. There is appropriated from the General Fund to the Corinth Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

GRANVILLE RURAL FIRE DEPARTMENT FUNDS

Sec. 1158. There is appropriated from the General Fund to the Granville Rural Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

PROVIDENCE FIRE DEPARTMENT FUNDS

Sec. 1159. There is appropriated from the General Fund to the Providence Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

STEM FIRE DEPARTMENT FUNDS

Sec. 1160. There is appropriated from the General Fund to the Stem Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

STOVALL FIRE DEPARTMENT FUNDS

Sec. 1161. There is appropriated from the General Fund to the Stovall Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

PARKWOOD WEST VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1162. There is appropriated from the General Fund to the Parkwood West Volunteer Fire Department the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment.

BAHAMA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1163. There is appropriated from the General Fund to the Bahama Volunteer Fire Department the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment.

BETHESDA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1164. There is appropriated from the General Fund to the Bethesda Volunteer Fire Department the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment.

LEBANON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1165. There is appropriated from the General Fund to the Lebanon Volunteer Fire Department the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment.

PARKWOOD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1166. There is appropriated from the General Fund to the Parkwood Volunteer Fire Department the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment.

REDWOOD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1167. There is appropriated from the General Fund to the Redwood Volunteer Fire Department the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment.

HOLLY SPRINGS FIRE DEPARTMENT FUNDS

Sec. 1168. There is appropriated from the General Fund to the Holly Springs Rural Fire Department the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and equipment.

KNIGHTDALE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1169. There is appropriated from the General Fund to the Knightdale Rural Volunteer Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

GARNER FIRE DEPARTMENT FUNDS

Sec. 1170. There is appropriated from the General Fund to the Garner Fire Department the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

GARNER FIRE DEPARTMENT II, PANTHER BRANCH FUNDS

Sec. 1171. There is appropriated from the General Fund to the Garner Fire Department (Panther Branch II) the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for operating expenses and equipment.

BUNNLEVEL EMERGENCY SERVICES FUNDS

Sec. 1172. There is appropriated from the General Fund to the Bunnlevel Emergency Services the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 for rescue tools and pagers.

ROANOKE RAPIDS GRADED SCHOOL FUNDS

Sec. 1173. There is appropriated from the General Fund to the Roanoke Rapids Board of Education the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to renovate the armory owned by the school district so that it may be used as a gymnasium, for classroom facilities, and for community meetings and programs.

ROANOKE RAPIDS GRADED SCHOOL FUNDS

Sec. 1174. There is appropriated from the General Fund to the Roanoke Rapids Board of Education the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to renovate the armory owned by the school district so that it may be used as a gymnasium, for classroom facilities, and for community meetings and programs.

RANDOLPH PRISON CHAPLAIN FUNDS

Sec. 1175. There is appropriated from the General Fund to the Randolph Prison Chaplaincy Program, Incorporated, of Randolph County the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to make the part-time chaplaincy position a full-time position, provided the sum of twelve thousand dollars ($12,000) of non-State funds is raised by the Randolph Prison Chaplaincy Program, Incorporated, to match this appropriation on a two-for-one basis.

KING VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1176. There is appropriated from the General Fund to the King Volunteer Fire Department of Stokes County the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

PINNACLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1177. There is appropriated from the General Fund to the Pinnacle Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

LASWONVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1178. There is appropriated from the General Fund to the Lawsonville Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

FRANCISCO VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1179. There is appropriated from the General Fund to the Francisco Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

WALNUT COVE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1180. There is appropriated from the General Fund to the Walnut Cove Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

SANDY RIDGE FIRE DEPARTMENT FUNDS

Sec. 1181. There is appropriated from the General Fund to the Sandy Ridge Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

STOKEROCKINGHAM VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1182. There is appropriated from the General Fund to the Stokes-Rockingham Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

SAURATOWN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1183. There is appropriated from the General Fund to the Sauratown Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

DANBURY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1184. There is appropriated from the General Fund to the Danbury Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

SOUTH STOKES VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1185. There is appropriated from the General Fund to the South Stokes Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

WARRENSVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1186. There is appropriated from the General Fund to the Warrensville Volunteer Fire Department the sum of two hundred fifty dollars ($250.00) for fiscal year 1985-86 for operating expenses and equipment.

LANSING VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1187. There is appropriated from the General Fund to the Lansing Volunteer Fire Department the sum of two hundred fifty dollars ($250.00) for fiscal year 1985-86 for operating expenses and equipment.

FLEETWOOD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1188. There is appropriated from the General Fund to the Fleetwood Volunteer Fire Department the sum of two hundred fifty dollars ($250.00) for fiscal year 1985-86 for operating expenses and equipment.

WEST JEFFERSON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1189. There is appropriated from the General Fund to the West Jefferson Volunteer Fire Department the sum of two hundred fifty dollars ($250.00) for fiscal year 1985-86 for operating expenses and equipment.

SHILOH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1190. There is appropriated from the General Fund to the Shiloh Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

REIDSVILLE RURAL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1191. There is appropriated from the General Fund to the Reidsville Rural Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

MAYODAN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1192. There is appropriated from the General Fund to the Mayodan Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

WENTWORTH VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1193. There is appropriated from the General Fund to the Wentworth Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

YANCEYVILLE ROAD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1194. There is appropriated from the General Fund to the Yanceyville Road Volunteer Fire Department the sum of five hundred

dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

BETHANY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1195. There is appropriated from the General Fund to the Bethany Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

MADISON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1196. There is appropriated from the General Fund to the Madison Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

RUFFIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1197. There is appropriated from the General Fund to the Ruffin Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

OREGON HILLS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1198. There is appropriated from the General Fund to the Oregon Hills Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

NORTHWEST ROCKINGHAM VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1199. There is appropriated from the General Fund to the Northwest Rockingham Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

DRAPER RURAL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1200. There is appropriated from the General Fund to the Draper Rural Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

STONEVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1201. There is appropriated from the General Fund to the Stoneville Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

WILLIAMSBURG VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1202. There is appropriated from the General Fund to the Williamsburg Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

MONROETON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1203. There is appropriated from the General Fund to the Monroeton Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

HUNTSVILLE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1204. There is appropriated from the General Fund to the Huntsville Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

JACOBS CREEK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1205. There is appropriated from the General Fund to the Jacobs Creek Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

SPRAY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1206. There is appropriated from the General Fund to the Spray Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

BLOWING ROCK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1207. There is appropriated from the General Fund to the Blowing Rock Volunteer Fire Department the sum of two hundred fifty dollars ($250.00) for fiscal year 1985-86 for operating expenses and equipment.

BOONE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1208. There is appropriated from the General Fund to the Boone Volunteer Fire Department the sum of two hundred fifty dollars ($250.00) for fiscal year 1985-86 for operating expenses and equipment.

PINE RIDGE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1209. There is appropriated from the General Fund to the Pine Ridge Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

ARARAT VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1210. There is appropriated from the General Fund to the Ararat Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

PILOT MOUNTAIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1211. There is appropriated from the General Fund to the Pilot Mountain Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

DOBSON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1212. There is appropriated from the General Fund to the Dobson Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

STATE ROAD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1213. There is appropriated from the General Fund to the State Road Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

WHITE PLAINS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1214. There is appropriated from the General Fund to the White Plains Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

CENTRAL SURRY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1215. There is appropriated from the General Fund to the Central Surry Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

PILOT KNOB VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1216. There is appropriated from the General Fund to the Pilot Knob Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

BANNERTOWN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1217. There is appropriated from the General Fund to the Bannertown Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

SOUTH SURRY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1218. There is appropriated from the General Fund to the South Surry Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

WESTFIELD VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1219. There is appropriated from the General Fund to the Westfield Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

SKULL CAMP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1220. There is appropriated from the General Fund to the Skull Camp Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

FRANKLIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1221. There is appropriated from the General Fund to the Franklin Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

MOUNTAIN PARK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1222. There is appropriated from the General Fund to the Mountain Park Volunteer Fire Department the sum of five hundred Dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

FOUR WAY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1223. There is appropriated from the General Fund to the Four Way Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

JOT-UM-DOWN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1224. There is appropriated from the General Fund to the Jot-Um-Down Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

C.C. CAMP VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1225. There is appropriated from the General Fund to the C.C. Camp Volunteer Fire Department the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for operating expenses and equipment.

PINEY CREEK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1226. There is appropriated from the General Fund to the Piney Creek Volunteer Fire Department, Incorporated, the sum of two hundred fifty dollars ($250.00) for fiscal year 1985-86 for operating expenses and equipment.

LAUREL SPRINGS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1227. There is appropriated from the General Fund to the Laurel Springs Volunteer Fire Department, Incorporated, the sum of two hundred fifty dollars ($250.00) for fiscal year 1985-86 for operating expenses and equipment.

CHERRY LANE VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1228. There is appropriated from the General Fund to the Cherry Lane Volunteer Fire Department the sum of two hundred fifty dollars ($250.00) for fiscal year 1985-86 for operating expenses and equipment.

GLADE CREEK VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1229. There is appropriated from the General Fund to the Glade Creek Volunteer Fire Department the sum of two hundred fifty dollars ($250.00) for fiscal year 1985-86 for operating expenses and equipment.

SPARTA VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1230. There is appropriated from the General Fund to the Sparta Volunteer Fire Department the sum of two hundred fifty dollars ($250.00) for fiscal year 1985-86 for operating expenses and equipment.

SURF CITY VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1231. There is appropriated from the General Fund to the Surf City Volunteer Fire Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for equipment.

LAURINBURG VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1232. There is appropriated from the General Fund to the Laurinburg Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

LAUREL HILL VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1233. There is appropriated from the General Fund to the Laurel Hill Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for operating expenses and equipment.

GIBSON VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1234. There is appropriated from the General Fund to the Gibson Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for equipment and operating expenses.

WAGRAM VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1235. There is appropriated from the General Fund to the Wagram Volunteer Fire Department the sum of one thousand two hundred dollars ($1,200) for fiscal year 1985-86 for equipment and operating expenses.

SEALEVEL RESCUE SQUAD FUNDS

Sec. 1236. There is appropriated from the General Fund to the Sealevel Rescue Squad the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment.

PAMLICO RESCUE SQUAD FUNDS

Sec. 1237. There is appropriated from the General Fund to the Pamlico Rescue Squad the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses and equipment.

ALTAPASS VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 1238. There is appropriated from the General Fund to the Altapass Volunteer Fire Department the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses and other improvements.

PART 6. NATURAL AND ECONOMIC RESOURCES

CAROLINA RAPTOR CENTER FUNDS

Sec. 1239. There is appropriated from the General Fund to the Carolina Raptor Center in Charlotte the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to continue the Center's research about, rehabilitation of, and conservation of birds of prey, some of which are on the endangered species list.

BUNCOMBE NATURAL AREAS INVENTORY FUNDS

Sec. 1240. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for the completion of a natural areas inventory of Buncombe County by the Natural Heritage Program.

CLAY RECREATION PARK FUNDS

Sec. 1241. There is appropriated from the General Fund to Clay County the sum of nine thousand dollars ($9,000) for fiscal year 1985-86 to complete the Clay County Recreation Park.

RED OAK COMMUNITY CENTER FUNDS

Sec. 1242. There is appropriated from the General Fund to the Town of Red Oak the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to establish a special fund for the Red Oak Community Center. Interest accruing to the fund may be expended only for the maintenance and repair of the Red Oak Community Center. The principal of the fund may not be expended for any purpose.

WESTERN N.C. DEVELOPMENT FUNDS

Sec. 1243. There is appropriated from the General Fund to the Western North Carolina Development Association, Incorporated, the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 to support the programs and activities of the Association.

PITT COUNTY FARMERS' MARKET FUNDS

Sec. 1244. There is appropriated from the General Fund to the Department of Agriculture the sum of twenty-three thousand dollars ($23,000) for fiscal year 1985-86 for the construction of a farmers' market in Pitt County on land, valued at fifty thousand dollars ($50,000), given for that purpose by Pitt County.

CAPE FEAR INDUSTRIAL CENTER FUNDS

Sec. 1245. There is appropriated from the General Fund to the Cape Fear Area Opportunities Industrialization Centers, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for general operating expenses.

ROBBINSVILLE WASTEWATER TREATMENT FUNDS

Sec. 1246. There is appropriated from the General Fund to the Town of Robbinsville the sum of fourteen thousand dollars ($14,000) for fiscal year 1985-86 to complete construction of a new wastewater treatment plant.

COLUMBUS COUNTY AGRI-BUSINESS BUILDING FUNDS

Sec. 1247. There is appropriated from the General Fund to the Columbus County Agri-Business Association, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86, for capital construction to expand the present agricultural building at the Columbus County Fairgrounds for the use of the Agri-Business Association and the Columbus County Law Enforcement Association.

GOLDSBORO-HERMAN PARK IMPROVEMENT FUNDS

Sec. 1248. There is appropriated from the General Fund to the City of Goldsboro, Recreation and Parks Department, the sum of five thousand

dollars ($5,000) for fiscal year 1985-86, to be used exclusively for the restoration of the fountain and for captital improvements to structures located in Herman Park.

PAMLICO PARKS AND RECREATION FUNDS

Sec. 1249. There is appropriated from the General Fund to the Pamlico County Parks and Recreation Department, the sum of five thousand dollars ($5,000) for fiscal year 1985-86, for operating expenses, equipment, and program expenses.

SCOTLAND RECREATION DEPARTMENT FUNDS

Sec. 1250. There is appropriated from the General Fund to the Scotland County Recreation Department the sum of five thousand dollars ($5,000) for fiscal year 1985-86, for operating expenses.

SEVENTY-FIRST IMPROVEMENT ASSOCIATION FUNDS

Sec. 1251. There is appropriated from the General Fund to the Seventy-First Improvement Association, Incorporated, the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for recreational expenses, programs, and equipment.

SILER CITY SEWER AND WATER FUNDS

Sec. 1252. There is appropriated from the General Fund to the Town of Siler City the sum of six thousand dollars ($6,000) for fiscal year 1985-86 for water and sewer projects and operating expenses.

RICHMOND ECONOMIC DEVELOPMENT FUNDS

Sec. 1253. There is appropriated from the General Fund to the Richmond Economic Development Corporation the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for economic development activities.

ASHLEY CHAPEL COMMUNITY ORGANIZATION FUNDS

Sec. 1254. There is appropriated from the General Fund to the Ashley Chapel Community Organization, Incorporated, the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for the repair and maintenance of a community building and for recreational equipment.

DOBBINS HEIGHTS FUNDS

Sec. 1256. There is appropriated from the General Fund to the Town of Dobbins Heights the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to assist in organizational and operating expenses.

AYDEN RECREATION DEPARTMENT FUNDS

Sec. 1256. There is appropriated from the General Fund to the Ayden Recreation Department the sum of seven thousand five hundred dollars ($7,500) for fiscal year 1985-86 for repairs to the recreational facilities and equipment.

BETHEL RECREATION DEPARTMENT FUNDS

Sec. 1257. There is appropriated from the General Fund to the Bethel Recreation Department the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for repairs to the recreational facilities and equipment and for supplies for the department.

FARMVILLE RECREATIONAL PROGRAMS FUNDS

Sec. 1258. There is appropriated from the General Fund to the Town of Farmville the sum of three thousand five hundred dollars ($3,500) for fiscal year 1985-86 for improvements and recreation programs for children and adults.

GRIMESLAND BEAUTIFICATION PROJECT FUNDS

Sec. 1259. There is appropriated from the General Fund to the Town of Grimesland the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for town improvements and a beautification project.

GRIFTON DEPOT AND TOWN IMPROVEMENT FUNDS

Sec. 1260. There is appropriated from the General Fund to the Town of Grifton the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for a depot and for town improvements.

WENDELL PARK AND RECREATIONAL FACILITY FUNDS

Sec. 1261. There is appropriated from the General Fund to the Town of Wendell the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the construction and improvement of park and recreational facilities.

ZEBULON DOWNTOWN REVITALIZATION FUNDS

Sec. 1262. There is appropriated from the General Fund to the Town of Zebulon the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for downtown revitalization.

PITTSBORO PARKS AND RECREATION FUNDS

Sec. 1263. There is appropriated from the General Fund to the Town of Pittsboro the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for parks and recreational programs, equipment, and operating expenses.

NORTHERN FAIRVIEW COMMUNITY FUNDS

Sec. 1264. There is appropriated from the General Fund to Orange County the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 for Northern Fairview Community Development Project operating expenses.

EASTERN MINORITY ECONOMIC DEVELOPMENT FUNDS

Sec. 1265. There is appropriated from the General Fund to the Eastern Minority Economic Development Corporation the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to assist with start-up costs.

NATURE SCIENCE CENTER FUNDS

Sec. 1266. There is appropriated from the General Fund to the Nature Science Center of Forsyth County, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for general operations and educational programs.

EASTERN REGIONAL JETPORT FUNDS

Sec. 1267. There is appropriated from the General Fund to the Lenoir County Chamber of Commerce the sum of five thousand dollars ($5,000) for fiscal year 1985-86, to promote and develop the use of the Eastern Regional Jetport in Lenoir County.

MILLBROOK EXCHANGE PARK RECREATIONAL FACILITY FUNDS

Sec. 1268. There is appropriated from the General Fund to the City of Raleigh the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the construction and improvement of recreational facilities for Millbrook Exchange Park.

FIVE POINTS ECONOMIC DEVELOPMENT CORPORATION FUNDS

Sec. 1269. There is appropriated from the General Fund to the Five Points Economic Development Corporation the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

MINGO COMMUNITY CENTER REPAIR FUNDS

Sec. 1270. There is appropriated from the General Fund to the Mingo Community Center the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for building repairs.

SPRING LAKE CIVIC CENTER FUNDS

Sec. 1271. There is appropriated from the General Fund to the Spring Lake Civic Center Foundation the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide a meeting facility.

TABOR CITY RECREATIONAL AND ATHLETIC COMPLEX FUNDS

Sec. 1272. There is appropriated from the General Fund to the Tabor City Recreational and Athletic Complex, Incorporated, the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to aid in developing recreational and athletic opportunities for the residents of the greater Tabor City community.

GREENSBORO SENIOR CLUB FUNDS

Sec. 1273. There is appropriated from the General Fund to the Greensboro Senior Club of the National Association of Negro Business Women's Clubs the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 for operating expenses.

MACON COUNTY FAIR FUNDS

Sec. 1274. There is appropriated from the General Fund to the Macon County Fair Association the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital improvements.

MADISON-MAYODAN RECREATION CENTER FUNDS

Sec. 1275. There is appropriated from the General Fund to the Madison-Mayodan Recreation Commission the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to operate the Madison-Mayodan Recreation Center.

FRANKLIN COUNTY RECREATION FUNDS

Sec. 1276. There is appropriated from the General Fund to the Franklin County Recreation Department the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses, programs, and equipment.

CUMBERLAND AGRI/EXPO BUILDING FUNDS

Sec. 1277. There is appropriated from the General Fund to Cumberland County the sum of eight thousand dollars ($8,000) for fiscal year 1985-86 for agricultural center.

LITTLETON CIVIC & PLANNING ASSOCIATION FUNDS

Sec. 1278. There is appropriated from the General Fund to the Littleton Civic and Planning Association, Incorporated, the sum of one thousand two hundred fifty dollars ($1,250) for fiscal year 1985-86 for the Building Fund.

LINCOLN WILDLIFE ORPHANAGE FUNDS

Sec. 1279. There is appropriated from the General Fund to the Lincoln Wildlife Orphanage, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to assist in the caring of injured wildlife so that the animals may be returned to their natural habitat.

McDOWELL RECREATION COMMISSION FUNDS

Sec. 1280. There is appropriated from the General Fund to the Old Fort, Marion, McDowell County Recreation Commission the sum of sixteen thousand dollars ($16,000) for fiscal year 1985-86 for capital improvements and equipment.

MARION AIRPORT FUNDS

Sec. 1281. There is appropriated from the General Fund to Marion Airport Commission, Incorporated, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for capital improvements and equipment.

FARMVILLE TOWN COMMON FUNDS

Sec. 1282. There is appropriated from the General Fund to the Town of Farmville the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the landscaping and beautification of the Town Common.

RIVER PARK NORTH FUNDS

Sec. 1283. There is appropriated from the General Fund to the Greenville Recreation and Parks Department the sum of one thousand five

hundred dollars ($1,500) for fiscal year 1985-86 for the operating expenses of the Science-Nature Center at River Park North.

PITT-GREENVILLE CHAMBER OF COMMERCE FUNDS

Sec. 1284. There is appropriated from the General Fund to the Pitt-Greenville Chamber of Commerce the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to promote conventions and tourism.

CUMBERLAND AGRI/EXPO BUILDING FUNDS

Sec. 1285. There is appropriated from the General Fund to Cumberland County the sum of one hundred ten thousand dollars ($110,000) for fiscal year 1985-86 for the Cumberland County Agri/Expo Building to house the Agricultural Extension Service, agricultural exhibits, and other farm projects.

MCGALLIARD FALLS PARK FUNDS

Sec. 1286. There is appropriated from the General Fund to the Valdese Recreation Committee the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the grist mill restoration project at McGalliard Falls Park.

GREENE ECONOMIC DEVELOPMENT FUNDS

Sec. 1287. There is appropriated from the General Fund to the Greene County Economic Development Commission the sum of four thousand five hundred dollars ($4,500) for fiscal year 1985-86 for economic development activities.

HISTORIC BETHABARA PARK FUNDS

Sec. 1288. There is appropriated from the General Fund to the Historic Bethabara Park, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to build a new reception center.

LELAND COMMUNITY BUILDING FUNDS

Sec. 1289. There is appropriated from the General Fund to Brunswick County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to assist in the remodeling of a community building for the Town of Leland.

CHOANOKE AREA DEVELOPMENT FUNDS

Sec. 1290. There is appropriated from the General Fund to the Choanoke Area Development Association the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to develop a mobile home park for low-income citizens.

HISTORIC BETHABARA PARK FUNDS

Sec. 1291. There is appropriated from the General Fund to the Historic Bethabara Park, Incorporated, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for capital improvements to the Park.

HISTORIC BETHABARA PARK FUNDS

Sec. 1292. There is appropriated from the General Fund to the Historic Bethabara Park, Incorporated, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for capital improvements to the Park.

NATURE SCIENCE CENTER FUNDS

Sec. 1293. There is appropriated from the General Fund to the Nature Science Center of Forsyth County, Incorporated, the sum of seventeen thousand five hundred dollars ($17,500) for fiscal year 1985-86 for operating expenses of the Center.

NATURE SCIENCE CENTER FUNDS

Sec. 1294. There is appropriated from the General Fund to the Nature Science Center of Forsyth County, Incorporated, the sum of seventeen thousand five hundred dollars ($17,500) for fiscal year 1985-86 for operating expenses of the Center.

GOLDSBORO REVITALIZATION FUNDS

Sec. 1295. There is appropriated from the General Fund to the Downtown Goldsboro Development Corporation the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to be used by the Downtown Revitalization Committee for improvements to the City.

MASONBORO ISLAND FUNDS

Sec. 1296. There is appropriated from the General Fund to the Society for Masonboro Island, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to help preserve Masonboro Island, which is located between Wrightsville Beach and Carolina Beach and is a component of the North Carolina Estuarine Sanctuary System.

CHOANOKE AREA DEVELOPMENT FUNDS

Sec. 1297. There is appropriated from the General Fund to the Choanoke Area Development Association, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for a new water system for a mobile home park in Northampton County for low-income citizens.

WATERMELON FESTIVAL FUNDS

Sec. 1298. There is appropriated from the General Fund to the Greater Fair Bluff Chamber of Commerce the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to sponsor the annual Watermelon Festival in Fair Bluff and for various community projects.

INFORMATION CENTER FUNDS

Sec. 1299. There is appropriated from the General Fund to the North Carolina High Country Hosts the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to furnish a Visitors Information Center, provided a like amount of non-State funds is raised by the North Carolina High Country Hosts to match this appropriation on a dollar-for-dollar basis.

YAM FESTIVAL FUNDS

Sec. 1300. There is appropriated from the General Fund to the Greater Tabor City Chamber of Commerce the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to sponsor the North Carolina Yam Festival and other community projects.

SPRING LAKE CIVIC CENTER FUNDS

Sec. 1301. There is appropriated from the General Fund to the Spring Lake Civic Center Foundation the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to construct a meeting facility.

JAMESVILLE IMPROVEMENT FUNDS

Sec. 1302. There is appropriated from the General Fund to the Town of Jamesville the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements in the Town of Jamesville.

BEAR GRASS IMPROVEMENT FUNDS

Sec. 1303. There is appropriated from the General Fund to the Town of Bear Grass the sum on one thousand dollars ($1,000) for fiscal year 1985-86 for capital improvements in the Town of Bear Grass.

COLUMBUS COUNTY CIVIC LEAGUE FUNDS

Sec. 1304. There is appropriated from the General Fund to the Columbus County Civic League the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for various community projects.

LISBON COMMUNITY CENTER FUNDS

Sec. 1305. There is appropriated from the General Fund to the Lisbon Community Center the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for general operating expenses and repairs.

JOINT ORANGE-CHATHAM COMMUNITY ACTION FUNDS

Sec. 1306. There is appropriated from the General Fund to the Joint Orange-Chatham Community Action Agency, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for transportation costs for Senior Citizens' programs in Orange and Chathan counties.

KERR AREA RURAL TRANSIT SYSTEM FUNDS

Sec. 1307. There is appropriated from the General Fund to the Kerr Area Rural Transit System the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for capital acquisitions to be used by a five county mass transit system.

ROBBINSVILLE WASTEWATER TREATMENT FUNDS

Sec. 1308. There is appropriated from the General Fund to the Town of Robbinsville the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to be matching funds for a federal grant to improve the Town's water and sewage system.

NAGS HEAD WOODS ECOLOGICAL PRESERVE FUNDS

Sec. 1309. There is appropriated from the General Fund to the Nags Head Woods Ecological Preserve the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for educational programs, exhibits, and operating expenses.

OAK HILL RECREATION FOUNDATION FUNDS

Sec. 1310. There is appropriated from the General Fund to the Oak Hill Recreation Foundation the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to make repairs to the roof and floor and to make other improvements to the community meeting facility.

TABOR CITY RECREATIONAL ATHLETIC COMPLEX FUNDS

Sec. 1311. There is appropriated from the General Fund to the Tabor City Recreational Athletic Complex, Incorporated, the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to develop recreational and athletic opportunities for residents of the greater Tabor City Community.

SPRING HOPE RECREATION ASSOCIATION FUNDS

Sec. 1312. There is appropriated from the General Fund to the Spring Hope Recreation Association the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to assist in purchasing lights and building a concession stand for the community ball park and to aid in building a fence around the T ball field.

OPERATION BREAKTHROUGH FUNDS

Sec. 1313. There is appropriated from the General Fund to the Operation Breakthrough, Incorporated, the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to support the Fuel/Energy Fund.

CARLYLE HIGGINS AGRICULTURAL CENTER FUNDS

Sec. 1314. There is appropriated from the General Fund to Alleghany County the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 to help construct the Carlyle Higgins Agricultural Center.

TAU OMEGA FUNDS

Sec. 1315. There is appropriated from the General Fund to the Tau Omega Chapter of the Omega Psi Phi fraternity the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to be a grant-in-aid for operating expenses.

NASEDGECOMBE ECONOMIC DEVELOPMENT FUNDS

Sec. 1316. There is appropriated from the General Fund to the Nash-Edgecombe Economic Development, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to help pay for materials needed for a community project in Spring Hope to repair the homes of poor and elderly citizens.

HOKE COUNTY RECREATION FUNDS

Sec. 1317. There is appropriated from the General Fund to Hoke County the sum of four thousand dollars ($4,000) for fiscal year 1985-86

for the Hoke County Recreation Department to provide recreational programs, purchase equipment, and repair facilities.

FRIENDS OF WEST POINT FUNDS

Sec. 1318. There is appropriated from the General Fund to the Friends of West Point, Incorporated, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to upgrade to museum quality the restored photography studio and darkroom of Hugh Maugum, a turn of the century North Carolina photographer, which is located at West Point on the Eno Park, and to protect artifacts and antiques in the studio.

FRIENDS OF WEST POINT FUNDS

Sec. 1319. There is appropriated from the General Fund to the Friends of West Point, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to upgrade to museum quality the restored photography studio and darkroom of Hugh Maugum, a turn of the century North Carolina photographer, which is located at West Point on the Eno Park, and to protect artifacts and antiques in the studio.

ROBBINSVILLE WASTEWATER TREATMENT FUNDS

Sec. 1320. There is appropriated from the General Fund to the Town of Robbinsville the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to help expand the Town's wastewater treatment plant.

MEN'S GARDEN CLUB OF WAKE COUNTY FUNDS

Sec. 1321. There is appropriated from the General Fund to the Men's Garden Club of Wake County the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to sponsor flower shows, horticultural events and other projects, and for operating expenses.

EASTERN MINORITY ECONOMIC DEVELOPMENT FUNDS

Sec. 1322. There is appropriated from the General Fund to the Eastern Minority Economic Development Corporation the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to provide start-up funds for this newly incorporated development group for minority citizens.

EASTERN MINORITY ECONOMIC DEVELOPMENT FUNDS

Sec. 1323. There is appropriated from the General Fund to the Eastern Minority Economic Development Corporation the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to provide start-up funds for this newly incorporated development group for minority citizens.

EASTERN MINORITY ECONOMIC DEVELOPMENT FUNDS

Sec. 1324. There is appropriated from the General Fund to the Eastern Minority Economic Development Corporation the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to provide start-up funds for this newly incorporated development group for minority citizens.

STOKES COUNTY ANIMAL SHELTER FUNDS

Sec. 1325. There is appropriated from the General Fund to Stokes County the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to establish an animal shelter in Stokes County provided a like amount of non-State funds is raised by Stokes County to match this appropriation on a dollar-for-dollar basis.

NORTHERN FAIRVIEW COMMUNITY FUNDS

Sec. 1326. There is appropriated from the General Fund to Orange County the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to help construct facilities and develop a park for the Northern Fairview Community.

ZEBULON IMPROVEMENT AND BEAUTIFICATION FUNDS

Sec. 1327. There is appropriated from the General Fund to the Town of Zebulon the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the improvement and beautification of the City.

NORTH CAROLINA SENIOR CITIZENS FEDERATION FUNDS

Sec. 1328. There is appropriated from the General Fund to the North Carolina Senior Citizens Federation, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for a transportation fund for Vance and Franklin Counties.

VANCE SENIOR CITIZENS CENTER FUNDS

Sec. 1329. There is appropriated from the General Fund to the Vance County Senior Citizens Center the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to purchase land.

REEVES COMMUNITY CENTER

Sec. 1330. There is appropriated from the General Fund to the Town of Mount Airy the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for general operating expenses of and improvements to the Reeves Community Center.

HISTORIC BETHABARA PARK FUNDS

Sec. 1331. There is appropriated from the General Fund to the Historic Bethabara Park, Incorporated, the sum of one thousand dollars ($1,000) for operating expenses of Historic Bethabara Park.

NATURE SCIENCE CENTER FUNDS

Sec. 1332. There is appropriated from the General Fund to the Nature Science Center of Forsyth County, Incorporated, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for capital improvements and equipment for the Center.

DUPLIN FAIR FUNDS

Sec. 1333. There is appropriated from the General Fund to the Duplin County Agri-Business Council the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for a livestock building and exhibit hall for the Duplin County Fair.

DUPLIN FAIR FUNDS

Sec. 1334. There is appropriated from the General Fund to the Duplin County Agri-Business Council the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to sponsor the Duplin County Fair.

MCCROREY BRANCH YMCA FUNDS

Sec. 1335. There is appropriated from the General Fund to the McCrorey Branch YMCA the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide recreation services for inner-city youth and renovations to facilities and grounds.

ELIZABETH CITY-PASQUOTANK COMMITTEE OF 100 FUNDS

Sec. 1336. There is appropriated from the General Fund to the Elizabeth City-Pasquotank Committee of 100 the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to make improvements and revitalize the downtown section of Elizabeth City.

PLYMOUTH WATERFRONT IMPROVEMENT FUNDS

Sec. 1337. There is appropriated from the General Fund to the Town of Plymouth the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to improve the waterfront and develop a recreational park in the Old Coastline Station area.

GASTON COMMUNITY ACTION FUNDS

Sec. 1338. There is appropriated from the General Fund to the Gaston Community Action, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to be allocated to the Gaston County Senior Citizens for Progress to help provide transportation for the elderly poor.

CHADBOURN COMMITTEE OF 100 FUNDS

Sec. 1339. There is appropriated from the General Fund to the Chadbourn Committee of 100 the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for industrial development.

TOWN OF BOLTON FUNDS

Sec. 1340. There is appropriated from the General Fund to the Town of Bolton the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to provide recreational programs and activities.

CENTER FOR COMMUNITY SELF-HELP FUNDS

Sec. 1341. There is appropriated from the General Fund to the Center for Community Self-Help the sum of three thousand dollars ($3,000) for fiscal year 1985-86 to help small businesses get started.

ROXBORO HOUSING AUTHORITY FUNDS

Sec. 1342. There is appropriated from the General Fund to the Roxboro Housing Authority the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for capital improvements and recreational equipment.

LENOIR INDUSTRIAL DEVELOPMENT CENTER FUNDS

Sec. 1343. There is appropriated from the General Fund to the Lenoir County Industrial Development Center the sum of thirty-five thousand dollars ($35,000) for fiscal year 1985-86 to assist in completing the renovation of the Center.

HAVELOCK COMMUNITY IMPROVEMENT FUNDS

Sec. 1344. There is appropriated from the General Fund to the Havelock Community Improvement Association the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for improvements to the association's building and to support recreational programs.

DURHAM BUSINESS AND PROFESSIONAL CHAIN FUNDS

Sec. 1345. There is appropriated from the General Fund to the Durham Business and Professional Chain the sum of four thousand five hundred dollars ($4,500) for fiscal year 1985-86 to assist small, disadvantaged businesses to develop better business practices.

MORATOC PARK FUNDS

Sec. 1346. There is appropriated from the General Fund to Martin County the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for improvements to the Moratoc Park grounds and buildings and for operating expenses.

BALSAM FISH HATCHERY FUNDS

Sec. 1347. There is appropriated from the General Fund to the Wildlife Resources Commission the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to help renovate a work center for Wildlife Commission employees at Balsam Fish Hatchery near the Town of Waynesville.

MORRISVILLE PARKS AND RECREATION FUNDS

Sec. 1348. There is appropriated from the General Fund to the Town of Morrisville the sum of three thousand dollars ($3,000) for fiscal year 1985-86 for recreational equipment, and programs, and for operating expenses of the town parks.

JOINT ORANGE-CHATHAM COMMUNITY ACTION FUNDS

Sec. 1349. There is appropriated from the General Fund to the Joint Orange-Chatham Community Action Agency the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to provide day care services for children of low income parents and provide other services to senior citizens.

WENDELL RECREATIONAL AND PARK FACILITIES FUNDS

Sec. 1350. There is appropriated from the General Fund to the Town of Wendell the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for the construction and improvement of park and recreational facilities.

CHERRYVILLE BASEBALL FACILITIES FUNDS

Sec. 1351. There is appropriated from the General Fund to the Town of Cherryville the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to construct or improve the town's baseball facilities.

CRAMERTON COMMUNITY BUILDING FUNDS

Sec. 1352. There is appropriated from the General Fund to the Town of Cramerton the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for furniture and improvements to community buildings.

GASTON BOYS CLUB AND ERWIN CENTER FUNDS

Sec. 1353. There is appropriated from the General Fund to the Town of Gastonia the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for Gaston County Boy's Club equipment for educational purposes and Erwin Recreational Center furnishings.

EAST ARCADIA GYM RESTORATION FUNDS

Sec. 1354. There is appropriated from the General Fund to the Town of East Arcadia the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to assist in restoring the gym.

STONEVILLE MEMORIAL PARK FUNDS

Sec. 1355. There is appropriated from the General Fund to the Stoneville Memorial Park the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

LOWELL RECREATION DEPARTMENT FUNDS

Sec. 1356. There is appropriated from the General Fund to the Town of Lowell the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to be allocated to the Lowell Recreation Department to purchase equipment, provide programs, and for operating expenses.

CHILDREN'S COMPUTER PROJECT FUNDS

Sec. 1357. There is appropriated from the General Fund to the Chapel Hill Housing Authority the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to fund a scholarship for computer literacy.

DURHAM HOUSING AUTHORITY FUNDS

Sec. 1358. There is appropriated from the General Fund to the Housing Authority of the City of Durham the sum of six thousand dollars ($6,000) for fiscal year 1985-86 to promote the Youth Enrichment Program of the Housing Authority.

TABOR CITY COMMITTEE OF 100 FUNDS

Sec. 1359. There is appropriated from the General Fund to the Tabor City Committee of 100 the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for the revitalization, beautification, and industrial development of the Tabor City area and southern Columbus County.

SANFORD REVITALIZATION FUNDS

Sec. 1360. There is appropriated from the General Fund to the Downtown Sanford Revitalization Corporation the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for planning and development studies.

HILLSBOROUGH WATER AND SEWER FUNDS

Sec. 1361. There is appropriated from the General Fund to the Town of Hillsborough the sum of four thousand dollars ($4,000) for fiscal year 1985-86 for improvements to and operating expenses of the water and sewer system.

WEYMOUTH CENTER FUNDS

Sec. 1362. There is appropriated from the General Fund to the Weymouth Center the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 for the maintenance of Weymouth Woods Nature Preserve and Museum.

ORANGE PARKS AND RECREATION FUNDS

Sec. 1363. There is appropriated from the General Fund to the Orange Parks and Recreation Community Center the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for renovation of the Homestead Community Center.

EDEN TEEN CENTER FUNDS

Sec. 1364. There is appropriated from the General Fund to the City of Eden the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to build a teen center.

COLUMBUS AGRI-BUSINESS FUNDS

Sec. 1365. There is appropriated from the General Fund to the Columbus County Agri-Business Association, Incorporated, the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for capital construction to expand the present agricultural building at the Columbus County Fairgrounds.

SPRAY COMMUNITY CENTER AND EDEN PARKS FUNDS

Sec. 1366. There is appropriated from the General Fund to the City of Eden the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the Spray Community Center and to make improvements in the City of Eden Parks and Recreation Department.

TABOR CITY RECREATION COMMISSION FUNDS

Sec. 1367. There is appropriated from the General Fund to the Tabor City Recreation Commission the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to purchase and erect signs at the entrances of the Lake Tabor bird sanctuary and to improve and beautify the Lake Tabor bird sanctuary.

EDENTON MUNICIPAL AIRPORT FUNDS

Sec. 1368. There is appropriated from the General Fund to the Edenton Municipal Airport the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for an industrial development study to determine the need for renovating the Edenton Municipal Airport in order to promote development around the airport, provided the Edenton Municipal Airport raises a like amount of non-State funds to match this appropriation on a dollar-for-dollar basis.

PERSON RECREATION FUNDS

Sec. 1369. There is appropriated from the General Fund to the Person County Council Recreation Department the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide recreational programs in Person County.

LEE RECREATION FUNDS

Sec. 1370. There is appropriated from the General Fund to the Lee County Recreation Department the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for Horton Park capital improvements.

BROADWAY PARK DEVELOPMENT FUNDS

Sec. 1371. There is appropriated from the General Fund to the Town of Broadway the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for park development.

CUMBERLAND AGRI/EXPO BUILDING FUNDS

Sec. 1372. There is appropriated from the General Fund to Cumberland County the sum of one hundred forty-five thousand dollars ($145,000) for fiscal year 1985-86 for the Cumberland County Agri/Expo Building to house the Agricultural Extension Service, agricultural exhibits, and other farm projects.

BLADEN IMPROVEMENT ASSOCIATION FUNDS

Sec. 1373. There is appropriated from the General Fund to the Bladen County Improvement Association the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to support community projects and for operating expenses.

BRUNSWICK FISHING CLUB FUNDS

Sec. 1374. There is appropriated from the General Fund to the Brunswick County Fishing Club the sum of three thousand five hundred dollars ($3,500) for fiscal year 1985-86 to build and maintain artifical reefs.

BRUNSWICK FISHING CLUB FUNDS

Sec. 1375. There is appropriated from the General Fund to the Brunswick County Fishing Club the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to build and maintain artificial reefs.

MADISON RECREATION FUNDS

Sec. 1376. There is appropriated from the General Fund to the Town of Madison Recreation Department the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for improvements to the Burlington Tennis Courts.

ROCKY MOUNT COMMUNITY DEVELOPMENT FUNDS

Sec. 1377. There is appropriated from the General Fund to the Rocky Mount Community Development the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

MOUNT HEBRON LODGE FUNDS

Sec. 1378. There is appropriated from the General Fund to the Mount Hebron Lodge #42 F & AM the sum of thirty-five thousand dollars ($35,000) for fiscal year 1985-86 for capital improvements, operating expenses, and various community projects.

NASEDGECOMBE ECONOMIC DEVELOPMENT FUNDS

Sec. 1379. There is appropriated from the General Fund to the Nash-Edgecombe Economic Development, Incorporated, the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

WAKE FOREST RECREATIONAL FACILITY FUNDS

Sec. 1380. There is appropriated from the General Fund to the Town of Wake Forest the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for recreational facility improvements.

BRUNSWICK CITIZENS ASSOCIATION FUNDS

Sec. 1381. There is appropriated from the General Fund to the Brunswick County Citizens Association the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses.

FARRIS PARK FUNDS

Sec. 1382. There is appropriated from the General Fund to the Town of Mayodan the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses of Farris Park.

CAPE FEAR AREA OPPORTUNITIES FUNDS

Sec. 1383. There is appropriated from the General Fund to the Cape Fear Areas Opportunities Industrialization Centers the sum of one thousand dollars ($1,000) for fiscal year 1985-86 for operating expenses.

WILSON DOWNTOWN REDEVELOPMENT FUNDS

Sec. 1384. There is appropriated from the General Fund to the Wilson Downtown Redevelopment Corporation the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 for the preservation of historic structures.

WILSON OPPORTUNITY INDUSTRIALIZATION FUNDS

Sec. 1385. There is appropriated from the General Fund to the Opportunity Industrialization Commission in Wilson the sum of five

thousand dollars ($5,000) for fiscal year 1985-86 to provide work opportunities.

MINORITY BUSINESS COUNCIL FUNDS

Sec. 1386. There is appropriated from the General Fund to the Eastern North Carolina Minority Business Council the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for operating expenses.

ROCKY MOUNT OPPORTUNITY INDUSTRIALIZATION FUNDS

Sec. 1387. There is appropriated from the General Fund to the Opportunity Industrialization Commission in Rocky Mount the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to provide job training and work opportunities.

WAKE OUTER LOOP COMMITTEE FUNDS

Sec. 1388. There is appropriated from the General Fund to the County of Wake the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for the Outer Loop Committee operating expenses.

LAKE NORMAN MARINE COMMISSION FUNDS

Sec. 1389. There is appropriated from the General Fund to the Lincoln County-Lake Norman Marine Commission the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for navigation aids and equipment replacement.

HOT SPRINGS WATER SYSTEM FUNDS

Sec. 1390. There is appropriated from the General Fund to the Town of Hot Springs the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for operating expenses of and improvements to the town water system.

GREAT SMOKIES HERITAGE FESTIVAL FUNDS

Sec. 1391. There is appropriated from the General Fund to the Great Smokies Heritage Festival, Incorporated, the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86 for operating expenses.

CHAPEL HILL HOUSING AUTHORITY CHILDREN'S COMPUTER PROJECT FUNDS

Sec. 1392. There is appropriated from the General Fund to the Chapel Hill Housing Authority the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to support the Children's Computer Project.

GIBSON COMMUNITY DEVELOPMENT ASSOCIATION FUNDS

Sec. 1393. There is appropriated from the General Fund to the Community Development Association in Gibson the sum of five hundred dollars ($500.00) for fiscal year 1985-86 for repairs to the community building.

EAST HAMLET COMMUNITY CONCERNED CITIZENS FUNDS

Sec. 1394. There is appropriated from the General Fund to the East Hamlet Community Concerned Citizens, Incorporated, the sum of four thousand dollars ($4,000) for fiscal year 1985-86 to provide funds for community organizations.

TOWN OF LILLINGTON FUNDS

Sec. 1395. There is appropriated from the General Fund to the Town of Lillington the sum of twenty-four thousand dollars ($24,000) for fiscal year 1985-86 for capital improvements, the sewer, and the Senior Citizens Center.

LEMON SPRINGS IMPROVEMENT FUNDS

Sec. 1396. There is appropriated from the General Fund to the Lemon Springs Improvement Corporation the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital improvements for Lemon Springs.

FUQUAY-VARINA PARKS AND RECREATION FUNDS

Sec. 1397. There is appropriated from the General Fund to the Town of Fuquay-Varina the sum of seven thousand dollars ($7,000) for fiscal year 1985-86 to support the town parks and recreational programs.

HOLLY SPRINGS PARKS & RECREATION FUNDS

Sec. 1398. There is appropriated from the General Fund to the Town of Holly Springs the sum of two thousand dollars ($2,000) for fiscal year 1985-86 to support the town parks and recreational program.

KNIGHTDALE PARKS AND RECREATION FUNDS

Sec. 1399. There is appropriated from the General Fund to the Town of Knightdale the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to support the town parks and recreational programs.

INTERNATIONAL FESTIVAL FUNDS

Sec. 1400. There is appropriated from the General Fund to the City of Raleigh the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the use of the International Festival Committee.

HORTON PARK FUNDS

Sec. 1401. There is appropriated from the General Fund to the Town of Sanford the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital improvements to Horton Park.

SANFORD REVITALIZATION FUNDS

Sec. 1402. There is appropriated from the General Fund to the Downtown Sanford Revitalization Corporation the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for capital improvements.

WEYMOUTH CENTER FUNDS

Sec. 1403. There is appropriated from the General Fund to the Weymouth Center the sum of one thousand five hundred dollars ($1,500)

for fiscal year 1985-86 for the maintenance of Weymouth Woods Nature Preserve and Museum.

SWANSBORO BICENTENNIAL PARK FUNDS

Sec. 1404. There is appropriated from the General Fund to the Swansboro Two Hundredth Anniversary Celebration Committee the sum of two thousand dollars ($2,000) for fiscal year 1985-86 for lights and landscaping at Swansboro Bicentennial Park.

YANCEY RECREATIONAL DEPARTMENT FUNDS

Sec. 1405. There is appropriated from the General Fund to the Yancey County Recreation Department the sum of twenty thousand dollars ($20,000) for fiscal year 1985-86 for capital improvements and equipment.

EDEN YOUTH RECREATION CENTER FUNDS

Sec. 1406. There is appropriated from the General Fund to the City of Eden the sum of five thousand dollars ($5,000) for fiscal year 1985-86 to build a Youth Recreation Center.

HAVELOCK COMMUNITIES IMPROVEMENT FUNDS

Sec. 1407. There is appropriated from the General Fund to the Havelock Community Improvement Association the sum of one thousand five hundred dollars ($1,500) for fiscal year 1985-86 to build a picnic shelter for community use.

LA GRANGE RECREATION DEPARTMENT FUNDS

Sec. 1408. There is appropriated from the General Fund to the La Grange Recreation Department the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 to develop and landscape a recreational field.

HAVELOCK RECREATION DEPARTMENT FUNDS

Sec. 1409. There is appropriated from the General Fund to the Havelock Recreation Department the sum of one thousand dollars ($1,000) for fiscal year 1985-86 to purchase equipment.

WAKE OUTER LOOP COMMITTEE FUNDS

Sec. 1410. There is appropriated from the General Fund to the County of Wake the sum of two thousand five hundred dollars ($2,500) for fiscal year 1985-86 for the Outer Loop Committee operating expenses.

MOORE NATURAL HERITAGE FUNDS

Sec. 1411. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of five thousand dollars ($5,000) for fiscal year 1985-86 for a natural heritage survey of Moore County.

JOHNSTON ECONOMIC DEVELOPMENT COMMISSION FUNDS

Sec. 1412. There is appropriated from the General Fund to the Johnston County Economic Development Commission, Incorporated, the

sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86 for the purpose of the powers set out in G.S. 158-13.

PART 7. MISCELLANEOUS

Sec. 1413. Except as specifically required by this act or by statute, no matching funds are required for the appropriations made by this act.

Sec. 1414. The sections of this act are severable. If a section is declared unconstitutional by a court, the invalidity of that section shall not affect the validity of the other sections.

Sec. 1415. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of July, 1985.

H.B. 1079 **CHAPTER 779**

AN ACT TO CLARIFY G.S. 115C-437 BY ADDING A DEFINITION OF CLEAR PROCEEDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-437 is amended by adding the following language at the end of the first sentence:

"The clear proceeds of all penalties and forfeitures and of all fines collected for any breach of the penal laws of the State, as referred to in Article IX, Sec. 7 of the Constitution, shall include the full amount of all penalties, forfeitures or fines collected under authority conferred by the State, diminished only by the actual costs of collection, not to exceed ten percent (10%) of the amount collected."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of July, 1985.

S.B. 291 **CHAPTER 780**

AN ACT TO REPEAL STATUTES ALLOWING LOCAL BOARDS OF EDUCATION TO CHARGE TUITION FOR STUDENTS OVER 18 YEARS OLD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-1 is amended by rewriting the second sentence thereof to read: "Tuition shall be free of charge to all children of the State, and to every person of the State less than 21 years old, who has not completed a standard high school course of study."

Sec. 2. G.S. 115C-366.1(a)(4) is amended by deleting the figure "19" and substituting in lieu thereof the figure "21".

Sec. 3. G.S. 115C-109, G.S. 115C-124, and G.S. 115C-128 are amended by deleting the phrase "from 5 through 18" and substituting in lieu thereof the phrase "from age 5 through age 20".

Sec. 4. G.S. 115C-109 is further amended by deleting therefrom the second sentence.

Sec. 5. This act is effective upon ratification. This act shall be administered from funds appropriated to the Department of Public Instruction for fiscal years 1985-86 and 1986-87 and shall not necessitate additional appropriations for those years.

In the General Assembly read three times and ratified, this the 17th day of July, 1985.

S.B. 337 **CHAPTER 781**

AN ACT TO AMEND THE APPLICATION FEE AND COST RECOVERY PROVISIONS OF G.S. 110-130.1 REGARDING NON-AFDC SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-130.1 is amended by deleting the present caption and adding a new caption to read as follows:

"§ 110-130.1. Non-AFDC Services".

Sec. 2. G.S. 110-130.1(a) is amended by removing the words and number "twenty dollar ($20.00)" and inserting in lieu thereof: "ten dollar ($10.00)".

Sec. 3. G.S. 110-130.1(b) is amended to read as follows:

"(b) The costs in excess of the application fee incurred in providing services to a non-AFDC client shall be recovered by deducting ten percent (10%) of the support collected, until the costs incurred in the case have been recovered. The incurred costs recovered in this manner may be reduced by costs recovered directly from payments by the responsible parent which the court may order, or by voluntary payments from either the responsible parent or the non-AFDC client. No costs shall be charged or recovered until all public assistance debts created under this Article have been liquidated. Recoverable costs shall be the actual costs incurred in providing services, including any court costs and paternity blood testing costs which a financially capable non-AFDC client may be required to advance. Administrative costs shall not exceed the rate of fifteen dollars ($15.00) per hour, and legal costs shall not exceed the rate of forty-five dollars ($45.00) per hour.

The appropriate judicial official shall be informed that such costs are to be recovered through the ten percent (10%) deduction mechanism, except as the recoverable costs are reduced by voluntary payments from either party or direct payments by the responsible parent which the court may order.

In all non-AFDC client cases in which ongoing enforcement services are provided as authorized herein, the support collected shall be transmitted to the Department of Human Resources and distributed in accordance with federal law and the provisions of this section. When incurred costs remain unreimbursed at the time the responsibility for providing services ends, amounts collected will continue to be channeled through the Department of Human Resources by the clerks of superior court for distribution to the non-AFDC client until all unreimbursed costs have been collected, either through application of the ten percent (10%) deduction mechanism, or through direct payments by the responsible parent or non-AFDC client.

Any costs remaining unrecovered under any of these methods after the responsibility for providing services terminates shall constitute a debt owed to the State by the non-AFDC client applicant upon order of the court."

Sec. 4. G.S. 110-130.1(c) is amended by inserting the phrase "or proceedings" following the word "Actions" in the first line.

Sec. 5. G.S. 110-130.1 is amended by adding a new subsection to read as follows:

"(d) Any fee imposed by the North Carolina Department of Revenue or the Secretary of the Treasury to cover their costs of withholding for non-AFDC arrearages certified for the collection of past due support from State or federal income tax refunds shall be borne by the client by deducting the fee from the amount collected.

Any income tax refund offset amounts which are subsequently determined to have been incorrectly withheld and distributed to a client, and which must be refunded by the State to a responsible parent or the nondebtor spouse, shall constitute a debt to the State owed by the client."

Sec. 6. This act is effective upon ratification and shall expire June 30, 1987.

In the General Assembly read three times and ratified, this the 17th day of July, 1985.

H.B. 801 **CHAPTER 782**

AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO USE AVIATION GRANT FUNDS FOR ALL DIRECT AND INDIRECT COSTS OF ADMINISTERING AIRPORT GRANT PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 63-68(3) is amended by rewriting the second sentence of that subdivision to read: "The Department of Transportation may utilize the State Aviation Grant Funds to cover the direct and indirect costs of administering airport grant projects and the costs of services provided by nonadministrative Department of Transportation divisions or other State agencies in connection with these projects."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of July, 1985.

H.B. 996 **CHAPTER 783**

AN ACT TO AMEND THE SCHOOL BUDGET AND FISCAL CONTROL ACT CONCERNING APPROVAL OF EXPENDITURES SOME OR ALL OF WHICH ARE TO BE PAID IN ENSUING FISCAL YEARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-441(a) is amended by adding the words "Except as set forth below," before the words "No obligation" in the first sentence

of the subsection; and by substituting the word "section" for the word "subsection" wherever it may appear in this subsection.

Sec. 2. G.S. 115C-441 is amended by adding a new subsection to read:

"(c1) Continuing Contracts for Capital Outlay. An administrative unit may enter into a contract for capital outlay expenditures, some portion or all of which is to be performed and/or paid in ensuing fiscal years, without the budget resolution including an appropriation for the entire obligation, provided:

(i) the budget resolution includes an appropriation authorizing the current fiscal year's portion of the obligation;

(ii) an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year; and

(iii) contracts for capital outlay expenditures are approved by a resolution adopted by the board of county commissioners, which resolution when adopted shall bind the board of county commissioners to appropriate sufficient funds in ensuing fiscal years to meet the amounts to be paid under the contract in those years."

Sec. 3. G.S. 115C-521(c) is amended by adding the following sentence between the second and third sentences of this subsection:

"However, this subsection shall not be construed so as to prevent boards of education from investing any money in buildings that are being constructed pursuant to a continuing contract of construction as provided for in G.S. 115C-441(c1)."

Sec. 4. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 17th day of July, 1985.

H.B. 537 **CHAPTER 784**

AN ACT TO REDUCE THE LENGTH OF TIME A CHILD MUST REMAIN IN FOSTER CARE AS GROUNDS FOR TERMINATING PARENTAL RIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-289.32(3) is rewritten to read:

"(3) The parent has willfully left the child in foster care for more than eighteen months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made within eighteen months in correcting those conditions which led to the removal of the child or without showing positive response within eighteen months to the diligent efforts of a county Department of Social Services, a child-caring institution or licensed child-placing agency to encourage the parent to strengthen the parental relationship to the child or to make and follow through with constructive planning for the future of the child. Provided, however, that no parental rights shall be terminated for the sole reason that the parents are unable to care for the child on account of their poverty."; and adding the following subsection:

"(4) The burden in such proceedings shall be upon the petitioner to prove the facts justifying such termination by clear and convincing evidence."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of July, 1985.

S.B. 168 **CHAPTER 785**

AN ACT TO PROMOTE THE SAFE PLACEMENT OF SUBSURFACE INSTALLATIONS IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Chapter 87 of the General Statutes is amended by adding a new Article to read:

"Article 3.
"Underground Damage Prevention.

"§ 87-100. *Short title.*—This Article shall be known as the 'Underground Damage Prevention Act'.

"§ 87-101. *Definitions.*—As used in this Article:

(1) 'Association' means an association, sponsored by utility owners, that will provide for receipt of notification of excavation operations in a defined geographical area, and that will maintain the records of the notifications.

(2) 'Damage' includes the substantial weakening of structural or lateral support of an underground utility, penetration or destruction of protective coating, housing, or other protective device of an underground utility, and the partial or complete severance of an underground utility.

(3) 'Excavate' or 'excavation' means an operation for the purpose of the movement or removal of earth, rock, or other materials in or on the ground by use of equipment operated by means of mechanical power and/or an operation by which a structure or mass of material is wrecked, razed, moved, or removed by means of any tools, equipment, or discharge of explosives. This term includes road construction but does not include road maintenance activities within rights-of-way of a highway, including those maintenance activities defined by the rules and regulations of the North Carolina Department of Transportation.

(4) 'Highway' has the meaning set out in G.S. 20-4.01 as the same shall be amended from time to time.

(5) 'Location of underground utilities' means a strip of land not wider than the width of the underground utility plus two and one-half (2 ½) feet on either side of the underground utility.

(6) 'Person' means a corporation, individual, copartnership, company, association, or any combination of individuals or organizations doing business as a unit, any subdivision or instrumentality of the State, and includes any officer, agent, trustee, receiver, assignee, lessee, or personal representative of any of the above entities.

(7) 'Person financially responsible' means that person who ultimately receives the benefits of any completed excavation activities, including a

person owning or leasing real property or holding an easement or interest in an easement.

(8) 'Public spaces' means any area owned by the State or any of its political subdivisions or dedicated for public use.

(9) 'Road construction' means the actual building of a new highway; or the paving, grading, widening, relocation, reconstruction, or other major improvement of a substantial portion of an existing highway.

(10) 'Road maintenance' means preservation, including repairs and resurfacing of a highway, not amounting to road construction.

(11) 'Street' has the meaning set out in G.S. 20-4.01 as the same shall be amended from time to time.

(12) 'Underground utility' means any underground line, system or facility used for producing, storing, conveying, transmitting, or distributing communication or telecommunication, electricity, gas, petroleum and petroleum products, coal slurry, hazardous liquids, water under pressure, steam, or sanitary sewage, but not including traffic signal control cables and vehicle detection cables of the North Carolina Department of Transportation.

(13) 'Utility owner' means any person who owns or operates an underground utility.

(14) 'Work day' means every day except Saturday, Sunday, national legal holidays and State legal holidays.

"§ 87-102. *Notice required prior to excavation.*—(a) Except as provided in G.S. 87-106, before commencing any excavations in highways, public spaces or in private easements of a utility owner, a person planning to excavate shall notify each utility owner having underground utilities located in the proposed area to be excavated, either orally or in writing, not less than two nor more than 10 working days prior to starting, of his intent to excavate.

(b) The written or oral notice required in subsection (a) shall contain:

(1) the name, address, and telephone number of the person filing the notice;
(2) the name, address, and telephone number of the person doing the excavating;
(3) the anticipated starting date of the excavation;
(4) the anticipated duration of the excavation;
(5) the type of excavation to be conducted;
(6) the location of the proposed excavation; and
(7) whether or not explosives will be used.

(c) If the notice required by this section is made by telephone, an adequate record shall be made of the notification by the utility owners or the utility association and the person making the notification, to document compliance with this section.

"§ 87-103. *Effect of permit on liability.*—A permit authorizing excavation operations and issued pursuant to law or ordinance shall not relieve a person of the responsibility of complying with this Article.

"§ 87-104. *Requirements of person doing excavation.*—(a) Except as provided in G.S. 87-106, no person may excavate in a highway, a public space, or a private easement of a utility owner without first having given the notice required in G.S. 87-102 to the utility owners.

(b) In addition to the notification requirements, each person excavating shall:

(1) Plan the excavation to avoid damage and to minimize interference with underground utilities in and near the construction area, to the best of his abilities;

(2) Maintain a clearance between an underground utility and the cutting edge or point of any mechanized equipment, taking into account the known limit of control of that cutting edge or point, as is reasonably required to avoid damage; and

(3) Provide support for the underground utilities in or near the construction area, including backfill, as may be reasonably required by the utility owner for the protection of the underground utilities.

"§ 87-105. *Requirements of the person financially responsible for the excavation.*—The person financially responsible shall provide to the person responsible for doing the excavating, the names of all underground utility owners in the area of the proposed excavation. The names of the utility owners may be obtained from the County Register of Deeds or the Building Inspection Department of the political subdivision in which the excavating is taken place, if there is one.

"§ 87-106. *Exceptions.*—The following excavations are exempted from the notification requirements of this Article:

(a) Tilling of soil for agricultural purposes;

(b) Excavation by a utility owner, by the State or its subdivisions or agencies, or by anyone contracting with any of these entities to perform the excavation, on or within an easement, right-of-way, or property owned or controlled by any of these entities, where:

(1) Only the facilities of the utility owner doing the excavating are permitted; or

(2) All persons having an interest in the excavation and the underground utilities that may be damaged during the excavation have agreed in writing to provide the equivalent of the notification required by this Article among themselves; or

(c) The replacement of a pole as long as the replacement pole is within three feet of the original pole and within the line of existing poles. This exception shall not apply to poles at highway intersections or at the crossings of highways and permanently marked transmission underground utilities.

(d) In the case of an emergency involving danger to life, health, or property requiring immediate correction, or in order to continue the operation of a major industrial plant, or in order to assure the continuity of utility services, excavations immediately required to repair or maintain the needed service may be made, without using explosives, if notice is given to the utility owner or association as soon as is reasonably possible; except that the prohibition against the use of explosives shall not apply to the North Carolina Department of Transportation. Performance of emergency excavation shall not relieve the excavator of liability for damages.

"§ 87-107. *Duties of the utility owners.*—Each utility owner, or his designated representative including an association, notified of an intent to

excavate shall, before the proposed start of excavating (unless another period is agreed to by the person conducting the excavation and the utility owner or their representatives), provide the following information to the person excavating to the extent such information is reflected by records in the possession of and reasonably available to the utility owner:

(1) The location and description of all of the underground utilities which may be damaged as a result of the excavation;

(2) The location and description of all utility markers indicating the location of the underground utilities; and

(3) Any other information that would assist in locating and avoiding damage to the underground utilities, including providing temporary markings when necessary indicating the location of the underground utility in locations where permanent utility markers do not exist.

"§ 87-108. *Absence of utility location.*—Should any utility owner who has been given notice pursuant to G.S. 87-102 fail to respond to that notice as provided in G.S. 87-107, or fail to properly locate the underground utility, then the person excavating is free to proceed with the excavation. Neither the excavator nor the person financially responsible for the excavation will be liable to the nonresponding or improperly responding utility owner for damages to that utility owner's facilities if the person doing the excavating shall exercise due care to protect existing underground utilities when there is evidence of the existence of those underground utilities near the proposed excavation site.

"§ 87-109. *Recording requirements for associations.*—An association shall record with the Register of Deeds of each county in which participating utility owners own or operate underground utilities, a notarized document providing the telephone number and address of the association, a description of the geographical area served by the association, and a list of the names and addresses of the utility owners receiving these services from the association.

"§ 87-110. *Recording requirements for utility owners.*—(a) Each utility owner having underground utilities in North Carolina shall record a notarized document containing the name of the utility owner and the title, address, and telephone number of its representatives designated to receive the written or oral notice of intent to excavate, with the Register of Deeds of each county in which the utility owner owns or operates underground facilities. This document shall be executed by an officer of the utility owner or in the case of a governmental entity, the authorized official.

(b) Any change or modification of the information recorded by a utility owner, pursuant to subsection (a) of this section, shall be made by recording the corrected information with the Register of Deeds of each county to which the change or modification applies, in the manner required by subsection (a) of this section within five days of the change made to the utilities.

(c) For purposes of the recordings required by subsections (a) and (b) of this section, recordings by an association pursuant to G.S. 87-109 shall satisfy the recording requirements for each utility owner who is a member of the association while that utility owner remains a member of the association.

(d) Upon receipt of the documents recorded pursuant to subsections (a), (b), or (c) of this section, the Register of Deeds shall place the documents in the Grantor's Index under the heading 'Underground Utilities'. The registration fee imposed by Chapter 161 of the General Statutes shall apply to these documents.

"§ 87-111. *Recorded information filed with inspection departments.*—A copy of any document or modification or change in the information in that document recorded pursuant to G.S. 87-109 or G.S. 87-110 shall be filed with any county or municipal inspection department having jurisdiction over any area where the underground utilities are located. Such inspection departments shall maintain these filings in alphabetical order in an accessible form.

"§ 87-112. *Color-coding.*—When the location of an underground utility is marked with stakes or by other physical means, pursuant to this Article, the utility owner shall use colored markers following the American Public Works Association Uniform Color Code for Utilities.

"§ 87-113. *Notification required when damage done.*—(a) The person doing an excavation that results in any known damage to an underground utility shall, immediately after the discovery of the damage, notify the utility owner of the location and nature of the damage and shall allow the utility owner reasonable time to repair the damage before completing the excavation in the immediate area of the damaged underground utility.

(b) The person responsible for conducting any excavation that results in damage to an underground utility where the damage may endanger life, health, or property shall, immediately after the discovery of the damage, take action to protect the public and property, notify the utility owner, notify the police or fire departments, and take any other actions to minimize the hazards until the arrival of the utility owner's personnel, the police, or the fire department. The excavator shall delay any backfilling in the immediate area of the damaged underground utility until authorized by the utility owner unless it is necessary to prevent injury or property damage to others. Repair of any damage shall be performed by the utility owner or by qualified personnel authorized by the utility owner.

"§ 87-114. *Homeowners.*—This act does not require utility notification before a property owner digs in any area on his own property with non-mechanized equipment nor prior to tilling the soil for agricultural, gardening or landscaping purposes. Mechanized equipment may be used, without utility notification, in any area on the owner's property with the exception of recorded underground utility easements which describes the location of the easement with specificity."

Sec. 2. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

H.B. 488 **CHAPTER 786**

AN ACT TO PROVIDE FOR COVERAGE UNDER THE STATE PROPERTY FIRE INSURANCE FUND TO BE ON A REPLACEMENT COST BASIS INSTEAD OF AN ACTUAL CASH VALUE BASIS.

Whereas, the State Property Fire Insurance Fund ("Fund") has safeguarded the State's interests in State-owned property through responsible risk and financial management; and

Whereas, the Fund is financed and has been managed so as to minimize the demand for scarce general revenue funds; and

Whereas, recent losses and expanded coverages have increased demand on Fund monies; and

Whereas, the Fund has been requested by the Council of State to insure State-owned property on a replacement cost basis; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-191 is rewritten to read:

"§ 58-191. *Payment of losses on basis of actual cost of restoration or replacement; rules; insurance and reinsurance; sprinkler leakage insurance.*—(a) In the case of total or partial loss of any property of any State agency or institution, the Commissioner shall determine the amount of loss and certify that amount to the agency or institution concerned and to the Director of the Budget and Council of State. The Director of the Budget and Council of State may authorize transfers from the Fund to the agency or institution that suffered the loss in amounts that are necessary to pay for the actual cost of restoration or replacement of the property. In the event there is not a sufficient amount in the Fund to pay for the actual cost of restoration or replacement, the Director of the Budget and the Council of State may supplement the Fund by transferring amounts from the Contingency and Emergency Fund.

(b) The Commissioner, with the approval of the Council of State, is authorized to adopt rules necessary to carry out the purpose of this Article, which rules shall be binding on all State agencies and institutions. The Commissioner, with the approval of the Director of the Budget and the Council of State, is authorized to purchase from qualified insurers insurance or reinsurance necessary to protect the Fund against loss on any one building and its contents in excess of fifty thousand dollars ($50,000), and the premiums for this coverage shall be paid from the Fund.

(c) Upon the request of any State agency or institution, sprinkler leakage insurance shall be provided on designated property of the agency or institution that is insured by the Fund. Premiums for this coverage shall be paid by the requesting agency or institution in accordance with rates fixed by the Commissioner. Losses covered by this insurance may be paid out of the Fund in the same manner as other losses. The Commissioner, with the approval of the Director of the Budget and the Council of State, is authorized to purchase from qualified insurers insurance or reinsurance necessary to protect the Fund against loss with respect to sprinkler leakage insurance coverage."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

H.B. 608 **CHAPTER 787**

AN ACT TO ALLOW CASWELL COUNTY TO APPOINT A PUBLIC SAFETY OFFICER.

The General Assembly of North Carolina enacts:

Section 1. The Caswell County Board of Commissioners may appoint the Caswell County Public Safety Officer, which shall be a fully sworn law enforcement position. The Caswell County Public Safety Officer shall serve at the pleasure of the Caswell County Board of Commissioners.

Sec. 2. The office of Caswell County Public Safety Officer shall have jurisdiction to enforce all local, State, and federal laws within the limits of S. R. Farmer Lake and all realty titled to Caswell County and the State of North Carolina, except public highways not located within State Park lands and county recreation areas.

Sec. 3. The Caswell County Public Safety Officer may appoint and employ Deputy Public Safety Officers with the consent and approval of the Caswell County Board of Commissioners.

Sec. 4. The position of Caswell County Public Safety Officer shall be subject to the Rules and Regulations of the North Carolina Criminal Justice Education and Training Standards Commission.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

S.B. 38 **CHAPTER 788**

AN ACT TO CHANGE THE ELIGIBLE ADOPTION AGE FOR CHILDREN UNDER THE SCHOLARSHIPS FOR CHILDREN OF WAR VETERANS PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 165-20(3)c. is amended by deleting the word "six" and inserting in lieu thereof the word "fifteen."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

S.B. 496 **CHAPTER 789**

AN ACT TO PROHIBIT DARK-SHADED WINDOWS ON MOTOR VEHICLES WHICH OBSTRUCT THE VIEW FROM OUTSIDE THE VEHICLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-127 is hereby amended by adding new subsections (d) and (e) thereto to read as follows:

"(d) It shall be unlawful to operate a noncommercial passenger vehicle registered or which is required to be registered in this State, including passenger cars, pickup trucks and passenger vans, upon any highway or public vehicular area with a windshield or any other window which does not meet the light transmittance requirements of federal motor vehicle safety standard No. 205. Provided, vehicles with a windshield or any other window installed prior to August 1, 1985 which does not meet the light transmittance requirements of federal motor vehicle standard No. 205 or vehicles transporting deceased human remains will be exempt from the provisions of this subsection.

(e) No motor vehicle inspection certificate shall be issued on or after January 1, 1987 for a motor vehicle subject to subsection (d) with a windshield or any other window which does not meet the light transmittance requirements of federal motor vehicle safety standard No. 205. Any motor vehicle otherwise subject to subsection (d) will be exempt from the provisions of this subsection provided the vehicle owner provides the motor vehicle inspector a document, attesting that any windshield or any other window not in compliance with subsection (d) was installed prior to August 1, 1985."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

S.B. 636 **CHAPTER 790**

AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, MAKING TECHNICAL AMENDMENTS THERETO, AND TO MAKE OTHER AMENDMENTS.

The General Assembly of North Carolina enacts:

Section 1. Studies Authorized. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1985 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

(1) Continuation of the Study of Revenue Laws (H.J.R. 17-Lilley),

(2) Continuation of the Study of Water Pollution Control (H.J.R. 141-Evans),

(3) Adolescent Sexuality Teaching (H.J.R. 275-Jeralds),

(4) Continuation of the Study on the Problems of the Aging (H.J.R. 322-Greenwood),

(5) Continuation of the Study of Municipal Incorporations (H.J.R. 389-Greenwood),

(6) School Discipline (H.J.R. 861-Colton),

(7) Bail Bondsmen and Bail Bond Forfeiture (H.B. 967-Watkins),

(8) Preventative Medicine (H.B. 1052-Locks),

(9) Life Care Arrangements (H.B. 1053-Locks),

(10) State Personnel System (H.B. 1064-Wiser),

(11) Long-Term Health Care Insurance (H.B. 1103-Locks),

(12) Itinerant Merchants (H.B. 1170-Lancaster),

(13) Manufactured Housing Zoning (H.B. 1178-Ballance; S.B. 636-Plyler),

(14) Interest Rate Regulation (H.J.R. 1227-Evans),

(15) Underground Storage Tank Leakage Hazards and other ground water hazards (H.B. 1281-Locks),

(16) Mental Patient Commitments (H.J.R. 1313-Miller),

(17) High-Level Radioactive Waste Disposal (H.B. 1373-Diamont; S.B. 655-Hipps),

(18) Stun Guns (H.J.R. 1390-McDowell),

(19) Continuation of the Study of Water Quality in Haw River and B. Everett Jordan Reservoir (H.J.R. 1393-Hackney),

(20) Authority of Boards of County Commissioners in Certain Counties over Commissions, Boards and Agencies (H.J.R. 1405-Holroyd),

(21) Superintendent of Public Instruction and State Board of Education (H.J.R. 1412-Nye),

(22) Rental Referral Agencies (H.B. 1421-Stamey),

(23) Child Abuse Testimony Study (S.B. 165-Hipps),

(24) Home Schooling Programs (S.J.R. 224-Winner),

(25) Pretrial Release (S.J.R. 297-Winner),

(26) Inmate Substance Abuse Therapy Program (S.J.R. 317-Plyler),

(27) Inmate Work-Release Centers (S.B. 406-Swain),

(28) Community College System (S.B. 425-Martin),

(29) Community Service Alternative Punishment and Restitution (S.B. 495-Swain),

(30) State Employee Salaries and Benefits (S.B. 514-Jordan),

(31) State Infrastructure Needs (S.B. 541-Royall),

(32) Commercial Laboratory Water Testing (S.B. 573-Taft),

(33) Outdoor Advertising (S.B. 611-Thomas, R.P.),

(34) Premium Tax Rate on Insurance Companies (S.B. 633-Hardison)

(35) Continuation of the Study of Child Support (S.B. 638-Marvin),

(36) Local Government Financing (S.B. 670-Rauch),

(37) Medical Malpractice and Liability (S.B. 703-Taft),

(38) Marketing of Perishable Food (S.B. 718-Basnight),

(39) Child Protection (S.B. 802-Hipps),

(40) Legislative Ethics and Lobbying (S.B. 829-Rauch),

(41) Satellite Courts (S.B. 850-Barnes),

(42) Substantive Legislation in Appropriations Bills (S.B. 851-Rand),

(43) School Finance Act (S.B. 848-Taft).

Sec. 2. Transportation Problems at Public Facilities. The Legislative Research Commission may identify and study transportation problems at public transportation facilities in North Carolina.

Sec. 2.1. The Legislative Research Commission may study the feasibility of the prohibition of investment by the State Treasurer of stocks of the retirement systems listed in G.S. 147-69.2(b)(6), or of the assets of the trust funds of The University of North Carolina and its constituent institutions deposited with the State Treasurer pursuant to G.S. 116-36.1 and G.S. 147-69.2(19) in a financial institution that has outstanding loans to the Republic of South Africa or in stocks, securities, or other obligations of a company doing business in or with the Republic of South Africa.

Sec. 3. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1987 General Assembly, or the Commission may make an interim report to the 1986 Session and a final report to the 1987 General Assembly.

Sec. 4. Bills and Resolution References. The listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 5. The last sentence of G.S. 120-19.4(b) is amended by deleting the citation "G.S. 5-4" and inserting in lieu thereof the following: "G.S. 5A-12 or G.S. 5A-21, whichever is applicable".

Sec. 6. G.S. 120-99 is amended by adding a new paragraph to read:

"The provisions of G.S. 120-19.1 through G.S. 120-19.8 shall apply to the proceedings of the Legislative Ethics Committee as if it were a joint committee of the General Assembly, except that the chairman shall sign all subpoenas on behalf of the Committee."

Sec. 7. G.S. 120-30.17 is amended by adding a new subsection to read:

"(9) For studies authorized to be made by the Legislative Research Commission, to request another State agency, board, commission or committee to conduct the study if the Legislative Research Commission determines that the other body is a more appropriate vehicle with which to conduct the study. If the other body agrees, and no legislation specifically provides otherwise, that body shall conduct the study as if the original authorization had assigned the study to that body and shall report to the General Assembly at the same time other studies to be conducted by the Legislative Research Commission are to be reported. The other agency shall conduct the transferred study within the funds already assigned to it."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

S.B. 489 **CHAPTER 791**

AN ACT TO MAKE ADDITIONAL APPROPRIATIONS FOR VARIOUS STATEWIDE PROJECTS AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. The outline that follows shows the heading "——CONTENTS/INDEX——" and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act. This outline is for reference only, and the outline and the corresponding entries throughtout the act in no way limit, define, or prescribe the scope or application of the text of the act.

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——SCHOOL QUALITY ASSURANCE FUNDS

Sec. 2. There is appropriated from the General Fund to the Department of Public Education the sum of two hundred thousand dollars ($200,000) for the 1985-86 fiscal year to implement the on-the-job training components of the Quality Assurance Program. Components for which these funds may be expended include programs to assist in staff development and training for initially certified personnel, released time for mentors and support team members, travel for mentors and support team members, training materials, training for observers and evaluators, consultant services, and staff coordination.

The State Board of Education shall allocate these funds to local school administrative units at the rate of one hundred dollars ($100.00) for each

initially certified individual employed in each unit during the 1985-86 fiscal year.

It is the intent of the General Assembly to provide a special appropriation for this purpose only for the 1985-86 fiscal year.

——CHILDREN'S TRUST FUND MONIES

Sec. 3. There is appropriated from the General Fund to the Department of Public Education the sum of two hundred fifty thousand dollars ($250,000) for fiscal year 1985-86 and the sum of two hundred fifty thousand dollars ($250,000) for fiscal year 1986-87, to fund additional child abuse and prevention projects. These funds shall be deposited in the "Children's Trust Fund" in the State Treasurer's Office, to be used pursuant to Article 10 of Chapter 110 of the General Statutes and rules adopted by the State Board of Education.

——SCHOOL HEALTH COORDINATORS FUNDS

Sec. 4. There is appropriated from the General Fund to the Department of Public Education the sum of one hundred twenty-eight thousand five hundred fifty-two dollars ($128,552) for the 1985-86 fiscal year and the sum of one hundred twenty-eight thousand five hundred fifty-two dollars ($128,552) for the 1986-87 fiscal year for four additional health coordinators for the public schools.

The State Board of Education shall designate an impartial panel to review health education plans to be submitted by local school administrative units. Based upon the panel's evaluation of the plans, the State Board of Education shall allocate the funds for the additional health coordinators to four selected local school administrative units, one within each of the four educational districts demonstrating the greatest need for them. The State Board of Education may not, however, allocate funds for an additional health coordinator to any local school administrative unit that is already being served by a State-funded health coordinator.

——EMPLOYMENT/CERTIFIED TEACHERS

Sec. 5. (a) Effective July 1, 1984, G.S. 115C-325 is amended by adding a new subsection to read:

"(p) Section Applicable to Certain Institutions. Notwithstanding any law or regulation to the contrary and the teachers' salary schedule as adopted by the State Board of Education, this section shall apply to all persons defined as teachers by this section who serve as teachers in the following schools and institutions:

Juvenile Evaluation Center
C. A. Dillon
Dobbs School for Girls
Samarkand Manor
Stonewall Jackson."

(b) Effective July 1, 1985, G.S. 115C-325(p) is rewritten to read:

"(p) Section Applicable to Certain Institutions. Notwithstanding any law or regulation to the contrary and the teachers' salary schedule as adopted by the State Board of Education, this section shall apply to all persons defined as teachers by this section who serve as teachers in the schools and institutions of the Departments of Human Resources and Correction."

(c) Effective June 30, 1984, G.S. 115C-302(b) is repealed.

——PUPIL TRANSPORTATION PILOT PROGRAM

Sec. 6. The State Board of Education may, if it is able to obtain non-State funds for this purpose, develop and administer a pupil transportation safety pilot program that will focus on the use of seat belts on new school buses. This program, if established, shall be made up of three regional programs, one located in a local school administrative unit in the Mountain region, one in a unit located in the Piedmont region, and one in a unit located in the Eastern region. The State Board of Education shall adopt rules to develop and administer this program if it is established. These rules may provide for community participation in monitoring the use of seat belts in school buses. The State Board of Education shall report on this program by May 1, 1987, to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division. The report shall include the State Board of Education's recommendations on the value of seat belts as a safety mechanism and on the most effective ways to implement their use, if it does recommend them.

——SNOW DAYS

Sec. 7. The second sentence of G.S. 115C-84(c) is amended by deleting the language "up to five" and substituting "up to two".

Sec. 8. G.S. 115C-84(c) is amended by inserting after the second sentence the following:

"If the last day of school would otherwise be a Monday, a local board of education may also excuse teachers and students from attendance for a third such day."

——TEACHER LEAVE POLICY PILOT PROGRAM

Sec. 9. The State Board of Education shall implement a two-year pilot program on teacher leave policies in three local school administrative units that are representative of the State. This pilot program shall be implemented within funds available to the State Board for substitute teachers.

The pilot program shall provide that at the end of each school year, teachers who are not permitted to take annual leave on days when school is in session may opt to be paid fifty dollars ($50.00) a day for the first three sick leave days and two personal leave days not taken or to accumulate these leave days as otherwise provided by law.

The State Board shall monitor this pilot program to determine whether it has a positive effect on test scores and/or teacher morale. The State Board shall report on this program after it receives student test scores each year to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

——COMMUNITY COLLEGE STAFF AND OPERATIONAL SUPPORT ALLOCATION

Sec. 10. Of the funds allocated to the Department of Community Colleges for State aid - Line item 1600-6322, special allotments, the sum of fifty-six thousand dollars ($56,000) for fiscal year 1985-86 and the sum of fifty-six thousand dollars ($56,000) for fiscal year 1986-87 shall be used

to provide additional staff and operational support for the Department of Community Colleges.

——COMMUNITY COLLEGE SALARY/TECHNICAL CORRECTION

Sec. 11. Section 199 of Chapter 479 of the 1985 Session Laws is amended by adding a sentence to read: "In compliance with Section 201 of this act, the State Board of Community Colleges may allocate funds under this section to individuals based upon the amount of employment available to those individuals."

——CASWELL COUNTY SATELLITE

Sec. 13. Notwithstanding all rules and regulations and laws to the contrary, Caswell County is hereby assigned to Piedmont Technical College which, as the primary provider of services in Caswell County, is authorized to offer all classes, programs and services at all locations in the County, including all Cooperative Program Agreement courses for the Caswell County Board of Education at Bartlett-Yancey High School.

To assure a smooth transfer of responsibility and to assure that programs or services provided to the citizens of Caswell County will be continued at an appropriate level of quality, other institutions of the Community College System which are presently offering classes in Caswell County are authorized to continue these presently started classes until completed. No new classes shall be begun by any other institution of the Community College System in Caswell County after July 1, 1985. Any classes after this date shall be provided by Piedmont Technical College.

Other technical/community colleges may be permitted to offer classes, programs or services in Caswell County after July 1, 1985, only by prior written agreement with Piedmont Technical College, the primary provider of services for Caswell County.

——MAGNETIC RESONANCE IMAGING RESEARCH PROGRAMS

Sec. 14. Funds in the amount of one million dollars ($1,000,000) allocated by Section 56 of Chapter 1034 of the 1983 Session Laws, Regular Session 1984, as a grant-in-aid to Bowman Gray School of Medicine in Winston-Salem may be used to reimburse the school for nuclear magnetic resonance equipment it has purchased. These funds may not be used by the school for research programs or clinical investigation.

——UNENCUMBERED UNIV. FUNDS/USE

Sec. 15. Notwithstanding any other provisions of the law, any unencumbered or unexpended funds, appropriated or allocated for contracted projects, remaining in the capital improvement codes credited to The University of North Carolina Board of Governors or the 16 constituent institutions may be used to complete the renovation of the Anderson School at Winston-Salem State University.

——INDIAN SCHOLARSHIPS

Sec. 15.1. Of the funds appropriated in Section 2 of Chapter 479 of the 1985 Session Laws to the Board of Governors of The University of North Carolina for expansion and improvement of programs, the sum of twenty thousand dollars ($20,000) for the 1985-86 fiscal year and the sum of twenty thousand dollars ($20,000) for the 1986-87 fiscal year shall be allocated, in addition to funds already appropriated for that purpose, to

increase grants available under the American Indian Student Legislative Grant Program.

——COMMUNITY BASED SERVICES FOR THE MENTALLY ILL

Sec. 16. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of one million two hundred fifty thousand dollars ($1,250,000) for fiscal year 1985-86, and the sum of one million two hundred fifty thousand dollars ($1,250,000) for fiscal year 1986-87 to be allocated to the area mental health, mental retardation, and substance abuse authorities to provide specific community based support services to adults with chronic mental illness. These funds shall be allocated by the Division to the area authorities as follows:

(1) Seventy-five percent (75%) of the appropriated funds to area authorities on a per capita basis;

(2) Twenty-five percent (25%) of the appropriated funds to area authorities on the basis of local need.

——AREA ABUSED CHILDREN HOME FUNDS

Sec. 16.1. There is appropriated from the General Fund to the Area Abused Children Home in Union County the sum of twenty thousand dollars ($20,000) for the 1985-86 fiscal year for furnishings and related equipment for the home.

——SUBSTANCE ABUSE FUNDS

Sec. 17. Of the funds appropriated to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, in Section 2 of Chapter 479 of the 1985 Session Laws, the sum of one million two hundred thousand dollars ($1,200,000) for fiscal year 1985-86, and the sum of one million two hundred thousand dollars ($1,200,000) for fiscal year 1986-87, shall be allocated as follows:

(1) The sum of one hundred thirty thousand dollars ($130,000) for fiscal year 1985-86, and the sum of two hundred thousand dollars ($200,000) for fiscal year 1986-87, shall be used for planning and training in the area of substance abuse treatment for adolescents, including an assessment of the feasibility of fee-for-service contracting with private providers for residential treatment; and

(2) The sum of one million seventy thousand dollars ($1,070,000) for fiscal year 1985-86, and the sum of one million dollars ($1,000,000) for fiscal year 1986-87, shall be allocated to the Department of Human Resources regions on a per capita basis. The allocation of funds by each region to the area mental health, mental retardation, and substance abuse authorities within the region shall be determined by the Division through its regional management teams, to be used for special direct service projects for early identification and treatment of substance-abusing adolescents.

——DEVELOPMENTAL DAY CENTER FUNDS

Sec. 17.1. There is appropriated from the General Fund to the Department of Human Resources the sum of nine hundred forty-six thousand four hundred forty dollars ($946,440) for fiscal year 1985-86 and the sum of nine hundred forty-six thousand four hundred forty dollars

($946,440) for fiscal year 1986-87 to provide supplemental funds sufficient to fund the cost of providing 239 additional grant-in-aid slots for mentally retarded children in developmental day care centers.

——WILLIE M. COSTS PER STUDENT

Sec. 18. The Department of Public Education shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division 30 days prior to the convening of the 1986 Regular Session of the 1985 General Assembly on the cost of educating a Willie M. child in the public schools over the past three years. This report shall include the cost of educating a Willie M. child and the source of these funds.

——EDUCATING WILLIE M. STUDENTS/STUDY

Sec. 18.1. The State Board of Education is directed to determine the most cost effective methods of educating Willie M. students and to report its findings to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by March 1, 1986.

——PRESCRIPTION DRUG FUNDS FOR DISABLED

Sec. 19. (a) Of the funds appropriated in Section 2 of Chapter 479 of the 1985 Session Laws to the Department of Human Resources, Division of Medical Assistance, the sum of five hundred thousand dollars ($500,000) shall be transferred to the Division of Health Services for the purpose of continuing the prescription drug reimbursement program for the disabled to provide assistance in purchasing prescription drugs to people terminated from the Social Security Disability program from March 1, 1981, through September 30, 1983, begun pursuant to Section 64(1), Chapter 1034, 1983 Session Laws, Regular Session 1984. The prescription drug program shall serve only current residents of North Carolina. The rules for operating this prescription drug assistance program shall be adopted by the Secretary of the Department of Human Resources pursuant to recommendations of the Disability Task Force as authorized by Section 64(3), Chapter 1034, 1983 Session Laws, Regular Session 1984.

(b) The Secretary of the Department of Human Resources shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on the expenditure of funds required by this section.

——HOME HEALTH CARE FUNDS

Sec. 19.1. There is appropriated from the General Fund to the Department of Human Resources the sum of three hundred seventy-five thousand dollars ($375,000) for fiscal year 1985-86 to provide home health care to the indigent.

——TRANSPORTATION COSTS STUDY FOR THE ADULT DEVELOPMENTAL ACTIVITIES PROGRAM

Sec. 20. The Department of Human Resources shall study the issue of transportation costs for the Adult Developmental Activities Program (ADAP). The study shall include the actual costs associated with the transporting of ADAP clients, the miles that an ADAP client has to be transported, and the feasibility of a separate transportation subsidy for the ADAP program. The Department shall report the results of the study,

including any recommendations, to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division, no later than May 1, 1986.

——DAY CARE FUNDS/MATCH REQUIREMENT

Sec. 20.1. Section 94 of Chapter 479 of the 1985 Session Laws is amended by adding a new paragraph to the end to read:

"No local matching funds may be required by the Department of Human Resources as a condition of any locality's receiving any State day care funds appropriated by this act unless federal law requires such a match."

——BLOCK GRANT TECHNICAL CORRECTION

Sec. 20.2. The chart for Community Development Block Grant in Section 4 of Chapter 479 of the 1985 Session Laws is amended by rewriting the entry for Community Revitalization to read:

"05. Community Revitalization 31,237,236".

——LAND RECORDS MANAGEMENT FUNDS

Sec. 21. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of three hundred twenty-five thousand dollars ($325,000) for the 1985-86 fiscal year for grants to counties on a matching basis for the Land Records Management Program. Priority for grants shall be given to counties that have started the program.

——FOREST FIRE FIGHTERS/FUNDS FOR PAGERS

Sec. 22. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of forty thousand dollars ($40,000) for the 1985-86 fiscal year for electronic paging devices for fire fighters on standby duty.

——STATE PARKS LAND PURCHASE FUNDS/MODIFICATIONS

Sec. 23. The second sentence of Section 126(a) of Chapter 757 of the 1985 Session Laws is amended by deleting the language "to develop a State Park on Lake James" and substituting "to develop a State Park and/or recreational area on Lake James".

Sec. 24. Section 126(a) of Chapter 757 of the 1985 Session Laws is amended by adding the following at the end of the list of priorities for the 1985-86 fiscal year:

"Masonboro Island - land necessary to add to those parcels of land already publicly owned."

Sec. 25. The second sentence of Section 126(a) of Chapter 757 of the 1985 Session Laws is amended by inserting after the fourth semicolon the following: "the sum of fifty thousand dollars ($50,000) for fiscal year 1985-86 shall be used at Bentonville Battleground State Historic Site for the purchase of land for the site; the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86 shall be used for repairs and maintenance at Kerr Reservoir State Recreation Area;".

——EMPLOYMENT AND TRAINING ACT/TECHNICAL CORRECTION

Sec. 26.1. (a) Section 4(e)(7)b. of Chapter 543 of the 1985 Session Laws is amended by deleting the semicolon and substituting a period.

(b) Section 4(e)(7)c. of Chapter 543 of the 1985 Session Laws is repealed.

——COMMERCIAL PROPAGATION OF VENUS FLY TRAP

Sec. 27. Section 2 of Chapter 461, Session Laws of 1985, is rewritten as follows: "This act shall become effective August 1, 1986."

——USE OF COASTAL SUBMERGED LANDS FUNDS CLARIFIED

Sec. 28. Section 132 of Chapter 757 of the 1985 Session Laws is amended by deleting the language "to pay for condemned claims" and substituting "to pay for reviewing, processing, inspecting, and resolving condemned claims".

——ARTIFICIAL REEF CONTROL FUNDS REMAIN AVAILABLE FOR EXPENDITURE

Sec. 29. (a) The first sentence of Section 138(b) of Chapter 757 of the 1985 Session Laws is amended by deleting the word "boxcars" and substituting "cars".

(b) The second sentence of Section 138(b) of Chapter 757 of the 1985 Session Laws is rewritten to read:

"These funds shall remain in the reserve until expended for this purpose."

——STANLY FIRE PLOW FUNDS MODIFIED

Sec. 30. Section 133 of Chapter 757 of the 1985 Session Laws is amended by inserting before the words "for Stanly County" the words "and to provide an equipment operator".

——TRAVEL AND TOURISM FUNDS/LIMITATION ON EXPENDITURES

Sec. 31. Section 136 of Chapter 757 of the 1985 Session Laws is amended by adding a new sentence at the end to read:

"These funds may be used only for advertising and for tourism promotion grants and may not be used for any other purpose."

——NEW HANOVER FIRE PROTECTION FUNDS/TECHNICAL CORRECTION

Sec. 32. Section 117 of Chapter 757 of the 1985 Session Laws is amended by deleting the language: ", provided New Hanover County raises forty percent (40%) of the sums appropriated by this section to match this appropriation".

——JOHNSTON ECONOMIC COMMISSION FUNDS/CERTIFICATION TO AUDITOR

Sec. 33. The Johnston County Economic Development Commission, Incorporated, shall certify to the State Auditor how the funds in the amount of one hundred thousand dollars ($100,000) appropriated to it for fiscal year 1985-86 were expended.

——WILDLIFE RESOURCES COMMISSION/LICENSE AGENTS COMMISSION

Sec. 34. (a) G.S. 113-270.1(b) is rewritten to read:

"(b) License agents may deduct from the amount collected for each license a fee of six percent (6%)."

(b) The second sentence of G.S. 113-270.1(c) is amended by deleting the language "pay penalties up to ten percent (10%) upon receipts as to which there is serious delay in remittance,".

(c) G.S. 113-270.1(c) is amended by adding a new sentence at the end to read:

"The Wildlife Resources Commission shall require license agents to pay penalties of twenty-five percent (25%) of the agents' fees on any license fees remitted to the Commission after the fifteenth day of the month immediately following the month of sale."

——ROANOKE RIVER LAND PURCHASE

Sec. 34.1. Section 204 of Chapter 757 of the 1985 Session Laws is rewritten to read:

"Sec. 204. There is appropriated from the General Fund to the Wildlife Resources Commission the sum of one million four hundred fifty thousand dollars ($1,450,000) for the 1985-86 fiscal year to purchase land that borders the Roanoke River. The Wildlife Resources Commission may also use up to one million nine hundred fifty thousand dollars ($1,950,000) of the funds available to it for the 1985-86 fiscal year for this purpose."

——FARMERS' MARKET FUNDS

Sec. 35. Funds allocated by Section 5.5 of Chapter 480 of the 1985 Session Laws for the Raleigh Farmers' Market may be expended only for a farmers' market which complies with all applicable Federal, State, and local laws and regulations, including local zoning regulations. The Commissioner of Agriculture is requested to consider additional potential locations for the Raleigh Farmers' Market and to evaluate such sites and their accessibility and benefit to the citizens of Raleigh and North Carolina, the farmers of North Carolina, and the wholesalers and retailers of farm products. Funds appropriated under Section 4 of Chapter 480 of the 1985 Session Laws for the Raleigh Farmers' Market shall not revert until the General Assembly approves such reversion. It is requested the City of Raleigh give fair consideration to requests by the State on matters requiring action by the City in connection with the construction of the Farmers' Market referred to in this section.

——RENOVATION OF ART MUSEUM BUILDING

Sec. 36. Of the funds appropriated from the Highway Fund to the Department of Transportation for the 1985-86 fiscal year, up to five hundred thousand dollars ($500,000) may be used, upon approval of the Director of the Budget, to renovate the Old Art Museum Building for offices for the Department of Transportation.

——MAGISTRATES' SALARY FUNDS

Sec. 39. Effective June 30, 1985, two hundred sixteen thousand dollars ($216,000) in unexpended salary and fringe benefit funds appropriated to the Judicial Department for the 1984-85 fiscal year shall be placed in a reserve for use by the Judicial Department during the 1985-86 fiscal year in completing and implementing the new magistrates' salary schedule established in Section 13 of Chapter 698 of the 1985 Session Laws.

——CLARIFICATION OF MAGISTRATE'S SALARY INCREASE

Sec. 39.1. G.S. 7A-171.1(3) as it appears in the 1984 Interim Supplement is amended

(a) on line 17 by adding "but less than 11" immediately after the word "more" and before the quotation marks; and

(b) in the last sentence of the first paragraph by adding after the words "or a law degree" the words "or for a magistrate licensed to practice law in North Carolina as".

——COURTS/TECHNICAL CORRECTION

Sec. 40. Section 21(b) of Chapter 698 of the 1985 Session Laws is amended by deleting the number "38" and substituting the number "38A" and by deleting the citation "7A-484" and substituting the citation "7A-486.7".

——PORTRAIT OF JUSTICE DEVIN/FUNDS

Sec. 41. There is appropriated from the General Fund to the Department of Cultural Resources the sum of ten thousand dollars ($10,000) for the 1985-86 fiscal year for a portrait of Justice William A. Devin. The portrait shall be hung in the Justice Building among portraits of other former chief justices.

——WEST ONSLOW BEACH FIRE AND RESCUE SQUAD

Sec. 42. There is appropriated from the General Fund to the West Onslow Beach Fire and Rescue Squad the sum of twenty thousand dollars ($20,000) for the 1985-86 fiscal year for operating expenses and equipment.

——TOBACCO ASSESSMENT

Sec. 43. Effective for taxable years beginning on or after January 1, 1985, Section 1 of Chapter 720 of the 1985 Session Laws is amended by deleting "stored" and substituting "grown".

——OVERCOLLECTION OF REVENUES

Sec. 44. Of the revenue collected during June 1986, under Article 5 of Chapter 105 of the General Statutes, the sum of twenty-eight million six hundred thousand dollars ($28,600,000) shall be placed by the State Treasurer in a special reserve and may not be expended prior to July 1, 1986.

——CHARLOTTE HAWKINS BROWN CENTER FUNDS

Sec. 45. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of one hundred fifty thousand dollars ($150,000) for the 1985-86 fiscal year to establish and operate the Charlotte Hawkins Brown Memorial State Historic Site and Black History Center.

——LIVING-HISTORY FARM FUNDS/TECHNICAL CORRECTION

Sec. 46. Section 116 of Chapter 757 of the 1985 Session Laws is amended by deleting the language "Natural Resources and Community Development" and substituting "Cultural Resources".

——SMALL BUSINESS DEVELOPMENT FUNDS

Sec. 47. There is appropriated from the General Fund to the Department of Commerce the sum of two hundred fifty thousand dollars ($250,000) for the 1985-86 fiscal year and the sum of two hundred fifty thousand dollars ($250,000) for the 1986-87 fiscal year to actively promote, on a statewide basis, the various assistance programs available to small

businesses and to print brochures, booklets, and other materials needed to provide information necessary for small business development.

Sec. 48. There is appropriated from the General Fund to the Directors of the Southeastern Business and Professional League the sum of twenty-five thousand dollars ($25,000) for fiscal year 1985-86 as a grant-in-aid for the operating expenses of a minority business development center.

——SPOUSE ABUSE FUNDS

Sec. 49. There is appropriated from the General Fund to the Department of Administration the sum of two hundred thousand dollars ($200,000) for the 1985-86 fiscal year for grants for domestic violence programs.

——INCENTIVE PAY PROGRAM ABOLISHED/TECHNICAL CHANGES

Sec. 50. (a) Notwithstanding the provisions of Section 153 of Chapter 479 of the 1985 Session Laws, which is effective July 1, 1985, persons entitled to receive payments under the Incentive Pay Program as of June 30, 1985, shall receive those payments. Funds for those payments shall be drawn from the employing agencies' or officers' principal departments' ending balance for the 1984-85 fiscal year.

(b) G.S. 126-4(10) is amended by adding a new sentence at the end to read:

"This subdivision may not be construed to authorize the establishment of an incentive pay program."

(c) This section is effective June 30, 1985.

——REPORTS ON EXEMPTIONS FROM COMMUTING FEES

Sec. 51. Effective October 1, 1985, the third paragraph of G.S. 143-341(8)i.7a., as amended by Section 170 of Chapter 479 and Section 177 of Chapter 757 of the 1985 Session Laws, is further amended by adding a new sentence at the end to read:

"The Department of Administration, Division of Motor Fleet Management, shall report quarterly to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office on individuals who use State-owned passenger motor vehicles, pickup trucks, or vans between their official work stations and their homes, who are not required to reimburse the State for these trips."

——COASTAL PLAINS ACADEMY FUNDS

Sec. 51.1. Of the funds appropriated to the Repairs and Renovations Reserve in Section 4, Chapter 480 of the 1985 Session Laws, the sum of twenty-four thousand dollars ($24,000) for the 1985-86 fiscal year and the sum of twenty-four thousand dollars ($24,000) for the 1986-87 fiscal year shall be allocated to pay the Department of Human Resources for the use of the Special Care Center in Wilson by the Coastal Plains Law Enforcement Academy.

——PRIVATE LICENSE TAGS ON STATE-OWNED CARS LIMITED

Sec. 52. The last four sentences of the second paragraph of G.S. 14-250 are repealed.

——BIOTECHNOLOGY CENTER FUNDS/CORRECTION

Sec. 53. Section 67 of Chapter 757 of the 1985 Session Laws is amended by deleting the language "Department of Commerce" and substituting "Office of State Budget and Management".

——EXPENDITURES SUPPORTED BY CIVIL FINES AND PENALTIES

Sec. 54. All agencies, institutions, departments, bureaus, boards, commissions, and other entities that expend civil fines and penalties during the 1985-86 fiscal year shall report these expenditures by program and line item to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by June 1, 1986.

——CERTIFICATE OF NEED TECHNICAL CHANGE

Sec. 54.1. Section 7 of Chapter 740 of the 1985 Session Laws is amended by deleting "Section 4" and by substituting "Section 6".

——WARRANTS FOR CERTAIN APPROPRIATIONS

Sec. 55. Other than those to State agencies, the Office of State Budget and Management shall draw warrants for appropriations made by Chapter 757 of the 1985 Session Laws, House Bill 922 and House Bill 1134 as enacted by the 1985 General Assembly, or by this act, and send them no later than September 1, 1985, by U.S. Mail to the entity entitled to receive them, at the address supplied by the Fiscal Research Division, unless matching fund requirements or other legal requirements have not been met. In those instances the warrants shall be sent under the same procedure as soon as the requirements have been met.

——BOARD OF CONTRACT APPEALS FUNDS

Sec. 55.1. Of the funds appropriated in Section 69 of Chapter 757 of the 1985 Session Laws, the sum of eighty-seven thousand twenty-eight dollars ($87,028) for the 1985-86 fiscal year and the sum of eighty-seven thousand forty-six dollars ($87,046) for the 1986-87 fiscal year shall be allocated to fund the Board of Contract Appeals.

——LOCAL AND LEO RETIREMENT TECHNICAL CORRECTION

Sec. 56. Section 2 of Chapter 751 of the 1985 Session Laws is amended by deleting the designation "(b8)" wherever it appears and by substituting the designation "(b9)".

——EFFECT OF MOST LIMITATIONS AND DIRECTIONS IN TEXT/ONLY 1985-87

Sec. 57. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1985-87 fiscal biennium, the textual provisions of this act shall apply only to funds appropriated for and activities occurring during the 1985-87 fiscal biennium.

——EFFECTIVE DATE

Sec. 58. Except as otherwise provided, this act is effective July 1, 1985.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

H.B. 344 **CHAPTER 792**

AN ACT TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, AND TO AMEND STATUTORY LAW.

The General Assembly of North Carolina enacts:

Section 1. This act shall be known as "The Independent Study Commissions and Committees Act of 1985."

*****

An outline of the provisions of the act follows this section. The outline shows the heading "——CONTENTS/INDEX——" and lists by general category the descriptive captions for the various sections and groups of sections that compile the act.

——CONTENTS/INDEX——

This outline is designed for reference only, and the outline and the corresponding entries throughout the act in no way limit, define, or prescribe the scope or application of the text of the act. The listing of the original bill or resolution in the outline of this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the provisions contained in the original bill or resolution.

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PART I.——SIMPLIFIED BUSINESS LICENSING STUDY COMMISSION.

Sec. 2.1. The Simplified Business Licensing Study Commission is created. The Commission shall consist of 12 members: four Senators appointed by the President of the Senate; four Representatives appointed by the Speaker of the House; and four representatives of the business community, two appointed by the President of the Senate and two appointed by the Speaker of the House. All initial appointments shall be made by August 1, 1985. Vacancies on the Commission shall be filled in the same manner as initial appointments.

Sec. 2.2. The President shall designate one Senator as cochairman and the Speaker shall designate one Representative as cochairman. The cochairmen shall call the initial meeting of the Commission.

Sec. 2.3. The Commission shall study the current system of issuing business licenses and the advisability of creating a business license center to provide a convenient and accessible one-stop system for the business community to acquire and maintain the necessary State licenses to do business.

Sec. 2.4. The Commission shall submit a final report of its findings and recommendations to the General Assembly on or before the first day of the 1987 Session of the General Assembly by filing the report with the President of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate.

Sec. 2.5. Upon the approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of House and Senate supervisors of clerks. The expenses of employment of the clerical staff shall be borne by the Commission. The Commission may meet in the Legislative Building or the Legislative Office Building, upon the approval of the Legislative Services Commission.

Sec. 2.6. Members of the Commission shall be paid subsistence and travel allowances as follows:

(1) Commission members who are also General Assembly members at the rate established in G.S. 120-3.1;

(2) Commission members who are also officials or employees of the State at the rate established in G.S. 138-6;

(3) All other Commission members at the rate established in G.S. 138-5.

Sec. 2.7. There is appropriated from the General Fund to the Legislative Services Commission for fiscal year 1985-86 the sum of fifteen thousand dollars ($15,000) to fund the Commission created by this Part.

PART II.——STATE CONTROLLER STUDY COMMISSION.

Sec. 3.1. There is created a State Controller Study Commission consisting of 10 members, appointed as follows: five members of the Senate appointed by the President of the Senate and five members of the House of Representatives appointed by the Speaker of the House of Representatives. Members shall be compensated in accordance with G.S. 120-3.1.

Sec. 3.2. The President of the Senate and the Speaker of the House of Representatives shall each designate a cochairman from their appointees to the State Controller Study Commission. The cochairmen shall jointly call the first meeting.

Sec. 3.3. The Legislative Services Office shall provide staff as needed and the Department of State Auditor and State Budget Office will provide information as needed.

Sec. 3.4. The State Controller Study Commission will study the fiscal and accounting functions of the State Accounting System and establishment of a State Controller to assure continued, consistent, uniform application of generally accepted accounting principles throughout the State entity. The Commission shall determine what authority and responsibilities each central agency currently has for the State Accounting System and the advantages and benefits of consolidating existing authority under one management. The Commission shall study any accounting system operated, used, or otherwise maintained by any State agency or department, regardless of the source of funding, for the purpose of evaluating the feasibility of establishing a State Controller to oversee the accounting functions of the State government.

Sec. 3.5. The Commission may meet in the Legislative Office Building or the Legislative Building.

Sec. 3.6. The Commission shall provide an interim report to the Governmental Operations Commission and a final report to the 1987 Session of the General Assembly.

Sec. 3.7. There is appropriated from the General Fund to the Legislative Services Commission for fiscal year 1985-86 the sum of twenty thousand dollars ($20,000) to implement this Part.

PART III.——ENTERPRISE ZONE-VENTURE CAPITAL STUDY COMMISSION.

Sec. 4.1. The Enterprise Zone-Venture Capital Study Commission is created. The Commission shall consist of 12 members: four Senators appointed by the President of the Senate; four Representatives appointed by the Speaker of the House; and four representatives of the business community, two appointed by the President of the Senate and two appointed by the Speaker of the House. All initial appointments shall be made by August 1, 1985. Vacancies on the Commission shall be filled in the same manner as initial appointments.

Sec. 4.2. The President shall designate one Senator as cochairman and the Speaker shall designate one Representative as cochairman. The cochairmen shall call the initial meeting of the Commission.

Sec. 4.3. The Commission shall study the establishment of a system of enterprise zones in North Carolina; the need to establish a program to stimulate and supplement the flow of private equity capital to businesses

in the State; whether it would be appropriate and beneficial for the State to create a quasi-public corporation to provide capital for private business ventures; and any other means to encourage the expansion of existing industry and the construction of new industries.

Sec. 4.4. The Commission shall submit a final report of its findings and recommendations to the General Assembly on or before the first day of the 1987 Session of the General Assembly by filing the report with the President of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate.

Sec. 4.5. Upon the approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. The Commission may meet in the Legislative Building or the Legislative Office Building, upon the approval of the Legislative Services Commission.

Sec. 4.6. Members of the Commission shall be paid subsistence and travel allowances as follows:

(1) Commission members who are also General Assembly members at the rate established in G.S. 120-3.1;

(2) Commission members who are also officials or employees of the State at the rate established in G.S. 138-6;

(3) All other Commission members at the rate established in G.S. 138-5.

Sec. 4.7. There is appropriated from the General Fund to the Legislative Services Commission for fiscal year 1985-86 the sum of twenty-five thousand dollars ($25,000) to fund the Commission. The Legislative Services Commission may allocate to the Commission funds necessary to enable the Commission to complete its study.

PART IV.——HOUSING TRUST FUND STUDY COMMISSION.

Sec. 5.1. The North Carolina Housing Trust Fund Study Commission is hereby created.

Sec. 5.2. Duties of the Commission. The Commission shall:

(a) Investigate the feasibility of establishing a North Carolina Housing Trust Fund, as outlined in Senate Bill 683 introduced in the 1985 Session of the General Assembly, including an estimate of potential revenues, market practices related to real estate related escrow deposits, and applicable laws and regulations governing the disposition of interest earnings on real estate related deposits. The scope of the study shall include, but not be limited to, real estate related sale escrow deposits, mortgage escrow deposits and tenant security deposits;

(b) Investigate other sources of revenue to address the low income housing needs in North Carolina;

(c) Document housing needs in North Carolina for low and very low income families;

(d) Recommend viable uses of revenues that could be generated by a North Carolina Housing Trust Fund that would expand and preserve the supply of housing available and affordable to low and very low income families in the State; and

(e) Recommend a plan for administering the Trust Fund.

Sec. 5.3. Organization of the Commission.

(a) The Commission shall consist of nineteen members. The State Treasurer, the Secretary of the Department of Natural Resources and Community Development and the Director of the North Carolina Housing Finance Agency shall serve ex officio. The President of the Senate shall appoint eight members, including two members of the Senate, one representative of the commercial banking industry, one representative of the homebuilding industry, one licensed real estate broker, one representative of the savings and loan industry, one low income housing advocate, and one member of the North Carolina Housing Commission. The Speaker of the House of Representatives shall appoint eight members, including two members of the House of Representatives, one representative of the residential rental property industry, one person not associated with the housing industry, one representative of the League of Municipalities, one member of the mortgage banking industry, one resident of low-income housing, and one subsidized housing specialist.

(b) If a vacancy occurs in the membership of the Commission, it shall be filled by action of the officer who appointed the former member who is to be replaced.

(c) The members of the Commission shall be appointed within 30 days of ratification of this act and they shall serve until termination of the Commission.

(d) The President of the Senate and the Speaker of the House of Representatives shall appoint a cochairman each from among the membership of the Commission, but no ex officio member of the Commission may serve as a cochairman.

Sec. 5.4. The Initial Meeting.

The initial meeting of the Commission shall be called by the cochairman. Subsequent meetings shall be held upon the call of the cochairman or upon written request of five (5) members.

Sec. 5.5. Reports by the Commission.

The Commission shall file its report with the President of the Senate and the Speaker of the House of Representatives by February 1, 1987. The report of the Commission shall summarize the information obtained in the course of its inquiry, set forth any findings and conclusions, and recommend such administrative actions or legislative actions that may be necessary to implement the Housing Trust Fund. If legislation is recommended, the Commission shall prepare and submit with its report appropriate bills. Upon termination of the Commission, the cochairmen shall transmit to the Legislative Library for preservation the records and papers of the Commission. The Commission shall terminate upon the filing of its report.

Sec. 5.6. Staff Support.

With the prior approval of the Legislative Services Commission, necessary professional and clerical assistance shall be provided by the Legislative Services Office. The Commission may hold its meetings in legislative buildings with prior approval from the Legislative Services Commission. The Commission may also enter into contracts for the

provision of technical assistance it finds necessary for the performance of its responsibilities under this Part.

Sec. 5.7. Expenses of Commission.

Members of the Commission who are also members of the General Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-3.1. Members of the Commission who are officials or employees of the State shall receive travel allowances at the rate set forth in G.S. 138-6. All other members of the Commission shall be paid the per diem and allowances at the rates set forth in G.S. 138-5.

Sec. 5.8. Appropriations to the Commission.

There is appropriated from the General Fund to the Legislative Services Commission for the Housing Trust Fund Study Commission the sum of fifteen thousand dollars ($15,000) for fiscal year 1985-86, and the sum of fifteen thousand dollars ($15,000) for fiscal year 1986-87. These funds shall be used in the performance of the duties set forth in this Part.

PART V.——INDIGENT HEALTH CARE STUDY COMMISSION.

Sec. 6.1. There is created the Indigent Health Care Study Commission.

Sec. 6.2. Duties of the Commission. The Commission shall study the issues of access to and financing of health care services for North Carolinians who are unable to pay for their medical care. Among the issues to be examined by the Commission are the following:

(1) Who are the medically indigent, including an examination of the uninsured and the underinsured?

(2) What barriers, if any, do the medically indigent face in receiving timely and cost-effective health care under the current health care system?

(3) What effect will the trend toward prospective reimbursement in a more competitive health care environment have on the ability of health care providers to deliver health care to uninsured or underinsured citizens?

(4) Who currently pays for the health care provided to the medically indigent? What is the distribution of the financial burden of providing health care to the medically indigent among hospitals, physicians, HMOs, counties, third-party insurers, employers, the State of North Carolina, the federal government and the medically indigent?

(5) What is the current extent of State and local responsibility for providing health care to the medically indigent? and

(6) What are the different options for financing and delivering health care to the medically indigent?

Sec. 6.3. The Commission shall consist of 14 members, as follows:

(1) The Secretary of the Department of Human Resources shall serve ex officio;

(2) The Insurance Commissioner shall serve ex officio;

(3) Two members of the House of Representatives appointed by the Speaker of the House;

(4) Two members of the Senate appointed by the President of the Senate;

(5) One hospital administrator appointed by the Governor;

(6) One representative of county government and one county public health director appointed by the Speaker of the House;

(7) One medical physician who provides a substantial amount of health care to indigents, appointed by the Governor;

(8) One representative of a health insurance company providing a substantial number of North Carolina citizens with health insurance and one licensed nurse appointed by the President of the Senate;

(9) One advocate for low income people who is familiar with indigent health care issues to be appointed by the Speaker of the House; and

(10) One representative from the business community to be appointed by the President of the Senate.

Any vacancy shall be filled by the appointing authority who appointed the person causing the vacancy. All initial appointments shall be made within one calendar month from the effective date of this Part.

Sec. 6.4. The Commission shall have its initial meeting no later than September 15, 1985, at the call of the President of the Senate and Speaker of the House. The President of the Senate and the Speaker of the House of Representatives shall appoint a cochairman each from the membership of the Commission. The Commission shall meet upon the call of the cochairmen.

Sec. 6.5. The Commission members shall receive no salary for serving on the Commission but shall receive necessary subsistence and travel expenses in accordance with the provisions of G.S. 120-3.1, G.S. 138-5 and G.S. 138-6, as applicable.

Sec. 6.6. The Commission may hold public meetings across the State to solicit public input with respect to the issues of access to and financing of health care services to the medically indigent.

Sec. 6.7. The Commission shall have the authority to obtain information and data from all State officers, agents, agencies and departments, while in discharge of its duties, pursuant to the provisions of G.S. 120-19 as if it were a committee of the General Assembly. The Commission shall also have the authority to call witnesses, compel testimony relevant to any matter properly before the Commission, and subpoena records and documents, provided that any patient record shall have patient identifying information removed. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission as if it were a joint committee of the General Assembly. In addition to the other signatures required for the issuance of a subpoena under this section, the subpoena shall also be signed by the cochairmen of the Commission. Any cost of providing information to the Commission not covered by G.S. 120-19.3 may be reimbursed by the Commission from funds appropriated under Section 6.9 of this Part.

Sec. 6.8. The Commission shall report to the General Assembly and the Governor the results of its study and recommendations. The final report shall be submitted during the 1987 Session of the General Assembly.

Sec. 6.9. There is appropriated from the General Fund to the Legislative Services Commission the sum of twenty-five thousand dollars ($25,000) for the 1985-86 fiscal year to fund the study authorized by this Part.

Sec. 6.10. At the request of the Commission, the Legislative Services Commission may supply members of the staff of the Legislative Services Office and clerical assistance to the Commission as it deems appropriate.

Sec. 6.11. The Commission may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building.

PART VI.——INSURANCE LAWS STUDY COMMISSION.

Sec. 7.1. The General Assembly finds and declares that:

(a) The North Carolina Commissioner and Department of Insurance are charged by statute with the responsibility of oversight and regulation of insurance companies, associations, agents, and rating organizations that are under the jurisdiction of the State of North Carolina.

(b) The Commissioner and Department of Insurance have responsibilities to promulgate rules to effectively administer the insurance statutes and fairly regulate the business of insurance in North Carolina.

(c) The scope of the responsibilities of the Commissioner and Department of Insurance has grown significantly in recent years.

(d) There have been problems in the construction, interpretation, and understanding of the insurance statutes of this State, many of which have been described by the Supreme Court of North Carolina as "confusing and unwieldly".

Sec. 7.2. There is created the North Carolina Insurance Regulation Study Commission, hereinafter referred to as the Commission. The Commission shall consist of 12 members, appointed as follows:

(a) The Commissioner of Insurance shall appoint four members: two of whom shall be members of the general public, one of whom shall be a property and casualty insurance agent duly licensed by the State of North Carolina, and one of whom shall be a representative of a property and casualty insurer duly licensed to transact the business of insurance in this State.

(b) The Speaker of the House shall appoint four members: three of whom shall be members of the North Carolina House of Representatives, and one of whom shall be a property and casualty insurance agent duly licensed by the State of North Carolina, who may also be a member of the North Carolina House of Representatives.

(c) The President of the Senate shall appoint four members: three of whom shall be members of the North Carolina Senate, and one of whom shall be a representative of a property and casualty insurer duly licensed to transact the business of insurance in this State, who may also be a member of the North Carolina Senate.

In the event of any vacancy, the appropriate appointing authority shall appoint a replacement to serve the remainder of the unexpired term. Legislative members of the Commission shall be paid subsistence and mileage allowances authorized by G.S. 120-3.1 for services on the Commission when the General Assembly is not in session. Other members of the Commission shall be paid the per diem and allowances authorized by G.S. 138-5. The President of the Senate and Speaker of the House of Representatives shall appoint a cochairman each from the Commission's membership.

Sec. 7.3. The Commission is authorized to review and analyze:

(a) The various systems or methods of property and liability insurance regulation in this State and in other states, including the licensing of insurers, agents, brokers, and adjusters; regulation of premium rates, policy forms, and classifications; financial regulation of insurers; residual and substandard insurance markets; and the impact on the property and liability insurance market caused by the integration of the components of the financial services industry: banking, securities, and insurance.

(b) The form, style, and intelligibility of the North Carolina General Statutes concerning property and liability insurance and the manners in which such statutes can be rewritten and recodified to improve them in this regard.

Sec. 7.4. With the prior approval of the Legislative Services Commission, the Commission may meet in the State Legislative Building or Legislative Office Building and utilize the services of the staffs of the Legislative Services Office. The Commission may utilize the staff of the Department of Insurance. The Commission may also employ additional clerical and professional staff in carrying out the provisions of this Part.

Sec. 7.5. The Commission shall submit its report to the 1987 General Assembly on its convening date.

Sec. 7.6. There is appropriated from the General Fund to the Legislative Services Commission for fiscal years 1985-86 and 1986-87 the total sum of twenty-five thousand dollars ($25,000) to carry out the provisions of this Part.

PART VII.——LIABILITY AND PROPERTY INSURANCE MARKETS STUDY COMMISSION.

Sec. 8.1. There is created the Commission to examine Liability and Property Insurance Markets, hereinafter referred to as "the Commission". The Commission shall consist of 12 members, appointed as follows:

(a) The Speaker of the House shall appoint four members: three of whom shall be members of the North Carolina House of Representatives; and one of whom shall be a fire and casualty insurance agent duly licensed by this State, who may also be a member of the North Carolina House of Representatives.

(b) The President of the Senate shall appoint four members: three of whom shall be members of the North Carolina Senate; and one of whom shall be a representative of a fire and casualty insurer duly licensed to transact the business of insurance in this State, who may also be a member of the North Carolina Senate.

(c) The Commissioner of Insurance shall appoint four members: two of whom shall be members of the general public; one of whom shall be a fire and casualty insurance agent duly licensed by the State; and one of whom shall be a representative of a fire and casualty insurer duly licensed to transact the business of insurance in this State.

In the event of any vacancy, the appropriate appointing authority shall appoint a replacement to serve the remainder of the unexpired term. Legislative members of the Commission shall be paid subsistence and mileage allowances authorized by G.S. 120-3.1 for services on the Commission when the General Assembly is not in session. Other members of the Commission shall be paid the per diem and allowances authorized

by G.S. 138-5. The Speaker of the House of Representatives and the President of the Senate shall each appoint from their appointees one member from the House of Representatives and from the Senate who will serve as cochairmen of the Commission.

Sec. 8.2. The Commission is authorized to review, analyze, and report on:

(a) The availability of professional and commercial liability and property insurance in this State and the factors causing and compounding diminutions in underwriting capacity.

(b) The underwriting and marketing practices of admitted and nonadmitted liability and property insurers and producers doing business in this State.

(c) Optional methods of risk management or risk sharing that may be utilized by the citizens of this State.

(d) The effect of diminished underwriting capacity in professional and commercial liability and property insurance on the economy of this State.

(e) Any other subjects deemed by the Commission to be relevant to this study.

Sec. 8.3. With the prior approval of the Legislative Services Commission, the Commission may meet in the State Legislative Building or Legislative Office Building and utilize the services of the clerical and professional staff of the Legislative Services Office. The Commission may utilize the staff of the Department of Insurance.

Sec. 8.4. The Commission shall submit a final report to the 1987 General Assembly on its convening date.

Sec. 8.5. There is appropriated from the General Fund to the Legislative Services Commission for fiscal year 1985-86 the sum of seventeen thousand dollars ($17,000) to carry out the provisions of this Part.

PART VIII.——JUVENILE LAW STUDY COMMISSION.

Sec. 9. There is appropriated from the General Fund to the Department of Administration the sum of ten thousand dollars ($10,000) for the fiscal year 1985-86, and the sum of ten thousand dollars ($10,000) for the fiscal year 1986-87, for the Juvenile Law Study Commission, to enable the Commission to carry out its legislative mandate as defined in G.S. 7A-740.

PART IX.——MENTAL HEALTH STUDY COMMISSION.

Sec. 10.1. Section 2 of Resolution 80, Session Laws of 1973, as amended by Chapter 806, Session Laws of 1973, and Section 2 of Chapter 184, Session Laws of 1977, is rewritten to read:

"Sec. 2. Appointment of Members. The Commission shall consist of 24 members. The Speaker of the House shall appoint eight members at least six of whom at the time of their appointment are members of the House, and one of those six shall be Chairman of the Mental Health Committee of the House of Representatives. The President of the Senate shall appoint eight members at least six of whom at the time of their appointment are members of the Senate, and one of those six shall be Chairman of the Senate Human Resources Committee. The Governor shall appoint eight

members, two of whom at the time of their appointment shall be county commissioners taken from a list of four candidates nominated by the North Carolina Association of County Commissioners. If that Association fails to make nominations by September 1, 1985, the Governor may appoint any two county commissioners."

Sec. 10.2. The first two sentences of Section 3 of Resolution 80, Session Laws of 1973, are deleted and the following sentence is inserted in lieu thereof:

"The President of the Senate and the Speaker of the House of Representatives shall appoint a cochairman each from the Commission's membership."

Sec. 10.3. Section 4 of Resolution 80, Session Laws of 1983, is amended by deleting "and ex officio members" all three times those words appear.

Sec. 10.4. The Mental Health Study Commission, established and structured by 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter 185, 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session Laws; 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws, and Chapter 268, Session Laws of 1983, as amended by this Part, is revived and authorized to continue in existence until July 1, 1987.

Sec. 10.5. The continued Mental Health Study Commission shall have all the powers and duties of the original Study Commission as they are necessary to continue the original study, to assist in the implementation of the original and succeeding Study Commission recommendations and to plan further activity on the subject of the study.

Sec. 10.6. Members and staff of the continued Mental Health Study Commission shall receive compensation and expenses as under the original authorization in the 1973 General Assembly Resolution 80. Expenses of the Commission shall be expended by the Department of Human Resources from Budget Code 14460 subhead 1110.

Sec. 10.7. In addition to other studies authorized by law, the Mental Health Study Commission shall study:

(1) the funding of area authorities; and

(2) child mental health services, including the juvenile admissions law.

The Mental Health Study Commission shall report to the 1987 General Assembly and may also report to the 1985 General Assembly, Second Session 1986.

PART X.——STATE PARKS AND RECREATION AREAS STUDY COMMISSION.

Sec. 11.1. There is created a Study Commission on State Parks and Recreation Areas to be composed of nine members, three Senators to be appointed by the President of the Senate, three Representatives to be appointed by the Speaker of the House, and three public members to be appointed by the Governor. Appointments to the Study Commission shall be made within 30 days subsequent to the adjournment of the General Assembly in 1985. The President of the Senate and the Speaker of the House shall each designate a cochairman from their appointees. Either cochairman may call the first meeting of the Study Commission. With the

prior approval of the Legislative Services Commission, the Study Commission may hold its meetings in the Legislative Office Building or State Legislative Building.

Sec. 11.2. The Study Commission is authorized:

(a) To identify the location of State Parks and Recreation Areas receiving and to receive funds from the State Parks Land Purchase Funds contained in Section 126 of Chapter 757 of the 1985 Session Laws (First Session, 1985);

(b) To review and formulate recommended legislation;

(c) To collect and evaluate reports and recommendations of various agencies, councils, and associations relating to State Parks and Recreation Areas; and

(d) To study any other issues pertinent to the State Parks and Recreation System.

Sec. 11.3. With the prior approval of the Legislative Services Commission, the Study Commission shall use available employees, both secretarial and professional, of the General Assembly. The cochairmen may assign and direct the activities of the employees, subject to the advice of the Study Commission. The Department of Natural Resources and Community Development and any other departments, boards, or associations shall assist the Study Commission and furnish any information or expertise requested.

Sec. 11.4. The Study Commission shall file a written report of its findings and recommendations with the presiding officer of the House of Representatives and the Senate on or before February 15, 1987. Upon the filing of the report, the Study Commission shall terminate.

Sec. 11.5. Members of the Study Commission shall serve without compensation, but they shall be paid such per diem and travel expenses in accordance with G.S. 138-5. Members who are legislators shall be reimbursed for travel and subsistence expenses in accordance with G.S. 120-3.1.

Sec. 11.6. The Department of Natural Resources and Community Development shall report monthly to the cochairmen of the Commission, the President of the Senate, the Speaker of the House of Representatives and the Fiscal Research Division on disbursements from the State Park Land Purchase Funds contained in Section 126 of Chapter 757 of the 1985 Session Laws (First Session, 1985).

Sec. 11.7. There is appropriated from the General Fund to the Legislative Services Commission the sum of ten thousand dollars ($10,000) for the fiscal year 1985-86 for the expenses of the Study Commission on State Parks and Recreation Areas.

PART XI.——PROPERTY TAX SYSTEM STUDY COMMITTEE.

Sec. 12.1. Study committee established; membership. There is established a Property Tax System Study Committee. The Committee shall consist of 16 members who are legislators at the time of their appointment and six other members as provided below. The President of the Senate shall appoint eight members of the Senate, and the Speaker of the House shall appoint eight members of the House of Representatives to serve on the Committee. To aid the Committee in its study of the property tax system, six additional members shall be appointed as follows: the Speaker

of the House shall appoint three members, one of whom is a county commissioner, one a county tax official, and one a citizen representing the public at large; and the President of the Senate shall appoint three members, one of whom is a county commissioner, one an elected municipal official, and one a citizen representing the public at large. All appointments shall be made in time for the Committee to begin its work by September 15, 1985. The Speaker and President of the Senate shall jointly call the first meeting to be held on a date no later than September 15, 1985.

Sec. 12.2. Selection of cochairmen; vacancies. The President of the Senate and the Speaker of the House of Representatives shall each designate one of the legislative members appointed by them as cochairman. Original members appointed to the Committee shall serve until the Committee makes its final report. Vacancies on the Committee shall be filled in the same manner as the original appointments were made.

Sec. 12.3. Subject of study. The Committee shall make a detailed and comprehensive study of the efficiency, effectiveness, and fairness of the property tax system in North Carolina. The Committee shall examine all classes of property comprising the property tax base; all exemptions, exclusions, and preferential classifications; and the valuation of public service company property to determine whether the property tax system is just and equitable in taxing the citizens of the State. The Committee shall review current procedures for listing and collecting taxes on personal and real property to determine how to increase the efficiency and equity of these procedures. The Committee shall examine the octennial revaluation system and evaluate the feasibility of any programs that would aid the counties in conducting more frequent revaluations.

Sec. 12.4. Reports; termination. On or before March 1, 1987, the Committee shall submit a final written report of its recommendations to the General Assembly by filing the report with the Speaker of the House and President of the Senate. If legislation is recommended, the Committee shall submit appropriate bills with its report. The Committee shall terminate upon filing its final report.

Sec. 12.5. Staffing. The Committee shall consult with tax officials in State and local government. With the prior approval of the Legislative Services Commission, the Committee may obtain clerical and professional assistance from the Legislative Services Office. The Committee may also obtain assistance from the Department of Revenue.

Sec. 12.6. Meeting place. With the prior approval of the Legislative Services Commission, the Committee shall meet in the State Legislative Building or in the Legislative Office Building.

Sec. 12.7. Members' reimbursement. Committee members who are legislators when appointed shall be paid subsistence and travel allowances at the rates established for members of the General Assembly in G.S. 120-3.1. Other Committee members shall be paid subsistence and travel allowances at the rates established in G.S. 138-5.

Sec. 12.8. Funding. The expenses of the Committee shall be paid from funds collected by the Department of Revenue under Article 7, Chapter 105 of the General Statutes. The funds so expended shall be

deducted as in G. S. 105-213(a) for the costs of administering the intangibles tax. Committee expenses shall be limited to a maximum of seventy-five thousand dollars ($75,000).

PART XII.——RAILROAD NEGOTIATING COMMISSION.

Sec. 13.1. There is created the Railroad Negotiating Commission, hereafter in this Part referred to as "Commission".

Sec. 13.2. The Commission shall consist of 12 members, appointed as follows:

(1) Two members appointed by the Governor, one of whom shall be knowledgeable about business and one of whom shall be an advocate of passenger rail service.

(2) The Speaker of the House of Representatives or his designee, and one member of the House of Representatives appointed by the Speaker of the House of Representatives.

(3) The Lieutenant Governor or his designee, and one member of the Senate appointed by the Lieutenant Governor.

(4) The Attorney General or a member of his staff appointed by him, ex officio.

(5) The State Treasurer or a member of his staff appointed by him, ex officio.

(6) Two officers or directors of the North Carolina Railroad Company appointed by its board of directors.

(7) Two officers or directors of the Atlantic and North Carolina Railroad Company appointed by its board of directors.

Sec. 13.3. Commission members shall be appointed no later than September 1, 1985, and shall serve at the pleasure of the appointing authority. Any vacancies on the Commission shall be filled by the appointing authority. The Lieutenant Governor shall call the initial meeting of the Commission.

Sec. 13.4. (a) The President of the Senate and Speaker of the House of Representatives shall appoint a cochairman each from the membership of the Commission.

(b) The Commission may appoint an executive committee for such purposes as determined by the Commission.

Sec. 13.5. Whenever an appointing authority has designated a person to serve in his place as permitted by this Part, that person shall be compensated in accordance with G.S. 120-3.1 if a member of the General Assembly and in accordance with G.S. 138-5 in any other case.

Sec. 13.6. The Commission shall terminate June 30, 1988.

Sec. 13.7. The General Assembly makes the following findings of fact:

(1) The existence of the North Carolina Railroad Company and the Atlantic and North Carolina Railroad Company spurred the economic development of North Carolina, and they are a valuable resource to the State as a whole, and especially to Piedmont and Eastern North Carolina.

(2) Continued freight service on both routes is necessary to the further economic development of North Carolina.

(3) Passenger rail service is currently in operation along the route, with part of the Crescent serving Charlotte-Greensboro and part of the Carolinian serving Charlotte-Raleigh.

(4) With two railroads and the State involved on one side and one or more potential purchasers or lessees on the other, there must be one voice lest the negotiations be chaotic. While the State recognizes that the two railroads are private corporations, the State as majority stockholder has the paramount interest.

Sec. 13.8. The Commission should either negotiate a sale of stock or should work with the Boards of Directors of the two railroads to enter into new leases prior to the expiration of the old leases.

Sec. 13.9. Any new lease should not be for a period of more than 30 years beyond the expiration of the current lease, and should have an escalator clause based either on revenues or inflation, or some combination of clauses.

Sec. 13.10. Any new lease or sale of stock should preferably involve both railroads. This will not only improve the bargaining position of the State and the two railroads but help ensure continued operation of freight service to Eastern North Carolina as well as to the Piedmont. The Commission may also consider other alternatives.

Sec. 13.11. Any new lease should require that the lessee cooperate with innovative uses of the right-of-way, whether for fiber-optics, intra-city light rail (trolley) service, and passenger service (in addition to the requirements of the National Railroad Passenger Act).

Sec. 13.12. The Governor, in making appointments to the Board of Directors of the North Carolina Railroad and the Atlantic and North Carolina Railroad under the charter provisions, should seek to ensure continuity of the boards as well as directing the two boards to meet jointly and cooperate with the Commission established by this Part.

Sec. 13.13. The Commission should negotiate with Southern Railroad (Norfolk Southern Corporation) and any other potential person with which it desires to negotiate. The Commission and its Executive Committee may meet in executive session.

Sec. 13.14. If the Commission determines that a renegotiation of the lease is desirable, it should recommend the terms of such lease for joint approval of the Boards of Directors of the two railroads.

Sec. 13.15. If the Commission determines that sale of the stock owned by the State is desirable, it shall recommend a contract to the General Assembly for its approval as required by Chapter 1046, Session Laws of 1951, as amended by Chapter 1372, Session Laws of 1981.

Sec. 13.16. If the Commission determines by June 30, 1988, that it is unable to recommend any action on terms that are favorable to the State and the railroads, it shall so report to the General Assembly so that alternate action to take effect at the expiration of the lease in 1994 can be taken.

Sec. 13.17. To protect the interests of the minority stockholders, any recommendation to sell the stock must include a provision that the purchaser will offer to purchase all shares tendered at the same price or for the same amount of stock to be swapped.

Sec. 13.18. Expenses of the Commission shall be paid from dividend receipts from the North Carolina Railroad and the Atlantic and North Carolina Railroad. The Department of Justice shall provide necessary staff assistance to the Commission.

Sec. 13.19. At the time of recommending a new lease or a sale of stock, the Commission shall recommend to the General Assembly what use should be made of increased dividend payments or proceeds from the sale or exchange of stock.

Sec. 13.20. The Commission shall have expert assistance in negotiations to be provided by the Attorney General, Secretary of Transportation, State Treasurer, and the two railroads, or under contract with a qualified professional.

Sec. 13.21. G.S. 124-2 is amended by deleting "unless otherwise directed" and inserting in lieu thereof "if so directed in the act making the appropriation".

Sec. 13.22. G.S. 124-4(1) is amended by deleting ", canals,".

Sec. 13.23. G.S. 124-4(2) is amended by deleting ", roads, canals,".

Sec. 13.24. G.S. 124-4(3) is amended by deleting "the previous section" and inserting in lieu thereof "G.S. 124-3".

Sec. 13.25. G.S. 124-5 is amended by deleting "in which the State has or owns any stock or any interest" and inserting in lieu thereof "in which the State owns the majority of any class of voting stock".

Sec. 13.26. The second two sentences of G.S. 124-5 are repealed.

PART XIII.——STATE-OWNED PROPERTY STUDY COMMITTEE.

Sec. 14.1. There is established the Legislative Study Committee on State-owned property. Four members of the Committee shall be appointed by the Lieutenant Governor and four members shall be appointed by the Speaker of the House of Representatives. The Lieutenant Governor and the Speaker shall each appoint a cochairman from their appointees.

The Committee shall study:

(1) The current system of planning for the space needs of the State and the allocation of State-owned property;
(2) The current use of State-owned property;
(3) The need for regional State office buildings;
(4) The need for more coordinated management of or central management of State-owned capital assets;
(5) The current system of making capital budget decisions, including decisions on whether to lease space or use State-owned space; and
(6) Any related issues the Committee deems appropriate.

The Committee shall make a report to the Appropriations Committees of the 1987 General Assembly.

Upon the prior approval of the Legislative Services Commission, the Committee may obtain staff assistance from the Legislative Services Office.

Sec. 14.2. There is appropriated from the General Fund to the Legislative Services Commission the sum of twenty thousand dollars ($20,000) for the 1985-86 fiscal year for the study established in this Part.

PART XIV.——CAFETERIA-STYLE BENEFITS STUDY COMMISSION.

Sec. 15.1. Subsection (c) of Section 12 of Chapter 1112 of the 1983 Session Laws is rewritten to read:

"(c) The Commission shall consist of the following 14 members:

(1) five Representatives appointed by the Speaker of the House of Representatives;

(2) five Senators appointed by the President Pro Tem of the Senate;
(3) two nonlegislator members appointed by the Speaker of the House of Representatives;
(4) two nonlegislator members appointed by the President Pro Tem of the Senate.

The four nonlegislator members shall be people with expertise in the area of employees' benefits or cafeteria-style benefit programs."

Sec. 15.2. The first sentence of subsection (d) of Section 12 of Chapter 1112 of the 1983 Session Laws is deleted and the following is inserted:

"All appointments shall be made within 30 days of the ratification of this act. The Commission may not meet until January 1, 1986."

Sec. 15.3. Subsection (e) of Section 12 of Chapter 1112 of the 1983 Session Laws is rewritten to read:

"(e) Members of the Commission who are legislators shall receive subsistence and travel allowances at the rate set forth in G.S. 120-3.1. Members of the Commission who are nonlegislators shall receive subsistence and travel allowances at the rate set forth in G.S. 138-5."

Sec. 15.4. Subsection (g) of Section 12 of Chapter 1112 of the 1983 Session Laws is rewritten to read:

"(g) The Commission shall report to the 1987 Session of the General Assembly."

Sec. 15.5. There is appropriated from the General Fund to the Legislative Services Commission the sum of twenty-five thousand dollars ($25,000) for the fiscal year 1985-86 for the purpose of continuing the work of the Commission on a Cafeteria-Style Benefits Program for Teachers and State Employees for the 1985-1987 biennium.

PART XV.——DEPARTMENT OF TRANSPORTATION STUDY COMMITTEE.

Sec. 16.1. The Special Committee to Study the Department of Transportation created in Resolution 60 of the 1981 Session Laws is continued until January 1, 1987.

Sec. 16.2. The Special Committee shall oversee the Department's efforts at improving efficiency and reducing expenditures; monitor the Department's implementation of directives of the General Assembly and recommendations of the Special Committee; and study other areas of the Department of Transportation as it deems appropriate.

Sec. 16.3. The Legislative Services Commission shall provide professional and other staff assistance for the Special Committee. All costs of the Committee, including subsistence and travel allowances for members, shall be paid from the budget of the General Assembly as may be provided by the Legislative Services Commission.

PART XVI.——PUBLIC SCHOOL CALENDAR STUDY COMMISSION.

Sec. 17. There is appropriated from the General Fund to the General Assembly the sum of seven thousand five hundred dollars ($7,500) for the 1985-86 fiscal year for a Legislative Study Commission on the Public School Calendar. The Commission shall consist of 16 members - two parents of public school children, two members of the Senate, one local school board member, one local school superintendent, one public school

principal, and one public school teacher, appointed by the President of the Senate and two parents of public school children, two members of the House of Representatives, one local school board member, one local school superintendent, one public school principal, and one public school teacher, appointed by the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives shall appoint cochairmen for the Commission from its membership. The President of the Senate and the Speaker of the House of Representatives shall appoint people to the Commission who are evenly distributed geographically throughout the State.

The Commission shall study current laws and policies regarding school closings due to hazardous weather conditions, natural disasters, and other emergencies; whether school should be scheduled on Saturdays to make up for these school closings; how to ensure that schools are open 180 days each year throughout the State; whether there should be a uniform date for the opening of school; when teachers should be permitted to take vacation time; whether the cost of a substitute teacher when personal leave is taken should be funded in the same manner as when sick leave is taken; and whether teachers should be paid for leave time not taken during the school year.

With the prior approval of the Legislative Services Commission, the Legislative Services Office shall provide necessary professional and clerical assistance to the Commission. The Commission may hold its meetings in legislative buildings with the prior approval of the Legislative Services Commission.

Members of the Commission who are also members of the General Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-3.1. Members of the Commission who are officials or employees of the State shall receive travel allowances at the rate set forth in G.S. 138-6. All other members of the Commission shall be paid per diem and allowances at the rates set forth in G.S. 138-5.

The Commission shall report to the 1986 Session of the 1985 General Assembly.

PART XVII.——STATE GOVERNMENT COMPLEX STUDY COMMISSION.

Sec. 18.1. There is hereby established a State Government Complex Study Commission. The Commission shall consist of nine members. Three members shall be appointed by the Governor, three members by the President of the Senate, and three members by the Speaker of the House. The Speaker of the House and the President of the Senate shall appoint a cochairman each from the membership of the Commission. The Commission may also elect such other officers as it deems necessary.

Sec. 18.2. The Governor, the President of the Senate and the Speaker of the House shall make their appointments by July 1, 1985, or as soon thereafter as is practicable. Members shall serve until their report is filed with the Governor and the General Assembly.

Sec. 18.3. It shall be the duty of the Commission to investigate the feasibility of using the property located in the block located south of the Governor's Mansion and bounded by Jones Street, Person Street, Edenton Street and Blount Street for the development of quality housing. The

Commission shall consider the plans, if any, which the Capital Planning Commission has made for the use of the property; both short and long term. The Commission shall also study the concept of developing housing for sale on leased property and how that concept might be adopted to use in this area and what revenues might be realized by the State. The Commission shall give particular attention to the development of the surrounding area both in and out of the designated State Government Complex. This evaluation shall include the question of security for the safety and well-being of the Governor and the Governor's Mansion. If the Commission should determine that short term use of the property requires the construction of a State government facility, then it shall so report. The Commission shall also consider the feasibility of constructing a parking garage below the site for operation by the State on a revenue producing basis. Such a facility should be at least large enough to replace any surface parking lost because of development of the surface of the tract. The Commission is also directed to study the use of air rights and how they might be used to facilitate such a development. Finally, if the Commission determines that no reasonable State use of the property is likely, it shall so report and shall recommend disposal of the property by the State.

Sec. 18.4. The Commission shall report its findings and recommendations to the Governor and the General Assembly, and shall make publication of same no later than June 15, 1986.

Sec. 18.5. The members of the Commission shall receive per diem, travel, and subsistence allowances in accordance with the provisions of G.S. 138.5.

Sec. 18.6. There is appropriated from the General Fund to the Legislative Services Commission for the work of the State Government Complex Study Commission the sum of ten thousand dollars ($10,000) for fiscal year 1985-86.

PART XVIII.——MEDICAL MALPRACTICE AND MEDICAL LIABILITY STUDY COMMISSION.

Sec. 19.1. There is hereby created a North Carolina Medical Malpractice and Medical Liability Study Commission. The Commission shall make a thorough and comprehensive study on any and all laws affecting medical malpractice liability and insurance including, but not limited to, the following:

(1) The establishment of a statistical database and make a determination of the dimension of problems which may or may not exist for the providers and consumers of medical malpractice insurance, including the number of health care providers covered, claims paid, costs of administration, insurance reserving practices, rate structure, costs of defending claims and other relevant factors that have an impact on the frequency, severity and nature of claims for medical negligence and the accompanying impact on the costs of such insurance;

(2) The problems which health care and other professionals have in obtaining professional liability insurance coverage at reasonable rates;

(3) Whether enforcement or modification of laws already enacted by the General Assembly, such as laws allowing arbitration and establishing a Health Care Excess Liability Fund, would have a positive impact on medical malpractice insurance rates;

(4) Methods of making the resolution of professional liability claims more efficient and fairer for persons injured by malpractice and for professionals;

(5) Methods and procedures by which hospitals and physicians can reduce the incidence of malpractice;

(6) A review of the liability resolution system, including standards for expert witnesses, reduction and removal of impediments and informal barriers to local physicians serving as expert witnesses, standards for filing lawsuits, elimination of barriers to physician countersuits, availability of binding and voluntary arbitration and other alternative resolution systems, increased incentives to the settlement of just claims, pretrial screening panels, and methods of reducing frivolous lawsuits and frivolous defenses thereto; and

(7) Ways to refine the method of compensating persons injured by malpractice, including evidence of noneconomic damages, collateral source rule, attorneys' contingency fees, attorneys' defense fees, periodic payments of awards, and the impact of such changes on the cost and availability of medical malpractice insurance.

Sec. 19.2. The Commission shall consist of 17 members who shall be appointed as follows: (1) Eight members appointed by the Speaker of the House of Representatives as follows: four persons who are members of the House; one person representing insurance companies writing professional liability insurance in this State; one licensed attorney who primarily represents plaintiffs in malpractice cases; one physician licensed to practice medicine in North Carolina; and one person representing consumers of medical care from a "public interest" group; (2) Eight members appointed by the President of the Senate as follows: four from the membership of the Senate; one physician licensed to practice medicine in North Carolina; one licensed attorney who primarily represents defendants in malpractice cases; one hospital administrator; and one person nominated by the North Carolina Citizens for Business and Industry; and (3) The Commissioner of Insurance or his designee. The members shall serve until the termination of the Commission. If a vacancy occurs in the membership, the appointing authority shall appoint another person to serve the balance of the unexpired term in the same manner in which the original appointment was made. The Commission shall terminate upon the filing of a report with the General Assembly.

Sec. 19.3. The Commission shall submit a written report and recommendations, including recommended legislation, to the 1987 General Assembly, or as soon thereafter as practicable.

Sec. 19.4. The Speaker of the House and President of the Senate shall each select a cochairman for the Commission. Either cochairman may preside at the meeting. Legislator members of the Commission shall be reimbursed for subsistence and travel expenses at the rates established in G.S. 120-3.1. Commission members who are State officers or employees shall be reimbursed at the rates set forth in G.S. 138-6. All other Commission members shall receive compensation and reimbursement for travel and subsistence at the rate set out in G.S. 138-5. All such reimbursement shall be paid from funds available to the Commission.

Upon receiving the approval of the Legislative Services Commission, the Commission is authorized to meet in the Legislative Building.

Sec. 19.5. State departments and agencies shall provide the Commission any information and assistance that it deems necessary. The Commission may employ such professional staff as are necessary to the performance of its duties. Clerical staff shall be furnished to the Commission through the offices of House and Senate Supervisors of Clerks. The expenses of employment of clerical staff shall be borne by the Commission.

Sec. 19.6. There is appropriated from the General Fund to the Legislative Services Commission for the work of the North Carolina Medical Malpractice and Medical Liability Study Commission the sum of one hundred thousand dollars ($100,000) for fiscal year 1985-86.

PART XIX.——COMMISSION ON AGRICULTURE, FORESTRY, AND SEAFOOD AWARENESS.

Sec. 20.1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 19.
"Commission on Agriculture, Forestry, and Seafood Awareness.

"§ 120-150. *Creation; appointment of members.*—There is created an Agriculture, Forestry, and Seafood Awareness Study Commission. Members of the Commission shall be citizens of North Carolina who are interested in the vitality of the agriculture, forestry, and seafood sectors of the State's economy. Members shall be as follows:

(1) Three appointed by the Governor;
(2) Three appointed by the President of the Senate;
(3) Three appointed by the Speaker of the House;
(4) The Chairman of the House Agriculture Committee;
(5) The Chairman of the Senate Agriculture Committee;
(6) The Commissioner of Agriculture or his designee;
(7) A member of the Board of Agriculture designated by the Chairman of the Board of Agriculture;
(8) The President of the North Carolina Farm Bureau Federation, Inc., or his designee;
(9) The Master of the North Carolina State Grange or his designee; and
(10) The Secretary of the Department of Natural Resources and Community Development.

Members shall be appointed for two-year terms beginning October 1 of each odd-numbered year. The cochairmen of the Commission shall be the Chairmen of the Senate and House Agriculture Committees respectively.

"§ 120-151. *Advisory Committee.*—Upon proper motion and by a vote of a majority of the members present, the Commission may appoint an Advisory Committee. Members of the Advisory Committee should be from the various organizations, commodity groups, associations, and councils representing agriculture, forestry, and seafood. The purpose of the Advisory Committee shall be to render technical advice and assistance to the Commission. The Advisory Committee shall consist of no more than

20 members plus a chairman who shall be appointed by the cochairmen of the Commission.

"§ 120-152. *Subsistence and travel expenses.*—The members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances at the rate set forth in G.S. 120-3.1. Members who are officials or employees of the State of North Carolina shall receive subsistence and travel allowances at the rate set forth in G.S. 138-6. All other members plus the Chairman of the Advisory Committee shall be paid the per diem allowances at the rates set forth in G.S. 138-5. Other members of the Advisory Committee shall serve on a voluntary basis and not receive subsistence and travel expenses.

"§ 120-153. *Facilities and staff.*—The Commission may hold its meetings in the State Legislative Building with the approval of the Legislative Services Commission. The Legislative Services Commission shall provide necessary professional and clerical assistance to the Commission.

"§ 120-154. *Duties.*—The Commission shall bring to the attention of the General Assembly the influence of agriculture, forestry, and seafood on the economy of the State, develop alternatives for increasing the public awareness of agriculture, forestry, and seafood, study the present status of agriculture, forestry, and seafood, identify problems limiting future growth and development of the industry, develop an awareness of the importance of science and technological development to the future of agriculture, forestry, and seafood industries, and formulate plans for new State initiatives and support for agriculture, forestry, and seafood and for the expansion of opportunities in these sectors.

In conducting its study the Commission may hold public hearings and meetings across the State.

The Commission shall report to the General Assembly at least one month prior to the first regular session of each General Assembly."

Sec. 20.2. There is appropriated from the General Fund to the Legislative Services Commission the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 for the work of the Commission established by this Part.

PART XX.——EFFECTIVE DATE.

Sec. 21. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

H.B. 1330 **CHAPTER 793**

AN ACT TO AMEND THE SURPLUS LINES ACT, 1985 SESSION LAWS CHAPTER 688.

The General Assembly of North Carolina enacts:

Section 1. Chapter 688 of the 1985 Session Laws is amended as follows:

(1) In G.S. 58-424(a)(2)a., by substituting "$1,500,000" for "$4,500,000"; and

(2) In G.S. 58-424(a)(3), by inserting between "two months" and "after the close", the following: ", and for alien insurers six months,".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

*

RESOLUTIONS

S.R. 4 **RESOLUTION 1**

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES G. MARTIN, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 12 O'CLOCK NOON ON THURSDAY, FEBRUARY 28, 1985.

Whereas, it has been a long-established custom for the General Assembly of North Carolina to invite His Excellency, the Governor of North Carolina, to deliver a State of the State message to that legislative body in the first week immediately following the beginning of the Regular Session; and

Whereas, the 1983 General Assembly determined that additional time should be given for a new administration to organize and set new directions and postponed the beginning of the 1985 General Assembly from January 16 until February 5, 1985; and

Whereas, the 1985-87 Appropriations Bill for Current Operations and the 1985-87 Appropriations Bill for Capital Improvements have been introduced and the former Governor presented the details of these appropriations to the Governor-elect by December 15, 1984, and the General Assembly should have the new administration's amendments to begin an orderly consideration of the proposed budget; and

Whereas, there now remains only a limited number of legislative days for committee meetings and meetings in session prior to the beginning of the 1985-87 biennium and the General Assembly desires adequate time for full and fair debate on all issues;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. A committee of four Senators and four Representatives shall be appointed by the presiding officers of the respective houses to notify His Excellency, Governor James G. Martin, that the General Assembly is organized and is ready to proceed with public business, and to invite him to address a joint session of the Senate and House of Representatives at 12 o'clock noon, Thursday, February 28, 1985.

Sec. 2. Governor James G. Martin is requested to address in his State of the State message details of any changes he proposes in the Appropriations Bills, along with details of any revenue increases or decreases for the 1985-87 biennium and any other actions he judges

appropriate to achieving the balanced budget required by the Constitution of North Carolina, including any proposals for dealing with reduced revenues received by local and State governments.

Sec. 3. The full text of the Governor's message shall be carried as an appendix to the House and Senate Journals of the 1985 General Assembly.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1985.

H.R. 56 **RESOLUTION 2**

A JOINT RESOLUTION HONORING THE FOUNDERS OF PRINCEVILLE, THE STATE'S OLDEST INCORPORATED BLACK COMMUNITY.

Whereas, the founders of Princeville were freedmen, many of whom were carpenters and artisans; and

Whereas, the founders embodied a love of freedom so great that the community they established was once known as Liberty Hill or Freedom Hill; and

Whereas, the founders and citizens of Princeville greatly enriched the culture and heritage of this State through their many significant contributions and services; and

Whereas, the citizenry of Princeville has included such notable men as William Mabson, a dedicated teacher who served as a member of the State legislature and the State Constitutional Convention of 1875 and Robert Taylor, the esteemed editor of the *Edgecombe Watchman* who served in the North Carolina Senate; and

Whereas, the first town officers were such men of integrity as Milton Pittman, the first mayor of Princeville and Turner Prince, one of the first commissioners whose name the town now bears; and

Whereas, the town of Princeville was incorporated on February 20, 1885; and

Whereas, Princeville holds the distinction of being the oldest incorporated black community in North Carolina and its citizens proudly continue the tradition of independent leadership and spirit of service exemplified by the community's founders and first citizens;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1985 North Carolina General Assembly honors the lives and works of the founders and early citizens of Princeville and recognizes their significant contributions to the culture and heritage of North Carolina by observing the Centennial Celebration of Princeville.

Sec. 2. The Secretary of State shall send a certified copy of this resolution to the Town Clerk of the Town of Princeville.

Sec. 3. This resolution is effective upon adoption.

In the General Assembly read three times and ratified, this the 15th day of February, 1985.

S.R. 64 **RESOLUTION 3**

A JOINT RESOLUTION DESIGNATING THE WEEK OF MARCH 10 THROUGH 16 AS "EMPLOY THE OLDER WORKER WEEK" AND TO HONOR THE MEMORY OF PEOPLE THROUGHOUT HISTORY WHO ACCOMPLISHED GREAT THINGS LATE IN LIFE.

Whereas, more than 35,000 North Carolinians age 45 or older are currently seeking employment; and

Whereas, the life expectancy for older Americans is increasing and older Americans are retaining their physical and mental abilities longer than ever before; and

Whereas, mature workers bring to a job the expertise, knowledge, skills, talents, and experiences which age has enabled them to accumulate; and

Whereas, it is short-sighted for society to discard older persons as useless persons or dependent, unproductive, "drop-outs" from the world they helped to make, instead of viewing them as an enriching and productive resource that is self-sustaining, creative, and essential to the State; and

Whereas, letting older persons work longer will decrease the burden on Social Security, pensions, and welfare benefits and will enable older persons to keep up with the rate of inflation; and

Whereas, last year the General Assembly recognized the productivity of the State's older workers by abolishing the mandatory retirement age for most State government employees; and

Whereas, demographers predict that by the turn of the century, older persons will account for at least eighteen percent (18%) of the total population and they will necessarily be a major work force; and

Whereas, potential future labor shortages could be avoided if older Americans were retrained and employed;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly designates the week of March 10 through 16, 1985, as "Employ the Older Worker Week" in North Carolina in recognition of the many and valuable contributions older workers make to the State and the General Assembly encourages employers to hire older workers.

Sec. 2. The General Assembly honors the memory of people throughout history who accomplished great things late in life including Grandma Moses, Colonel Sanders, George Bernard Shaw, Pablo Picasso, Winston Churchill, Bertrand Russell, Pablo Casals, Carl Sandburg, Golda Meir, Casey Stengel, Ray Kroc, Benjamin Franklin, Jimmy Durante, Buckminster Fuller, Sam Rayburn, Robert Frost, Henri Matisse, and Albert Schweitzer.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1985.

H.R. 10

RESOLUTION 4

A JOINT RESOLUTION URGING CONGRESS AND THE PRESIDENT TO TAKE ACTION NECESSARY TO MODERATE THE GROWTH OF TEXTILE AND APPAREL IMPORTS.

Whereas, the fiber, textile and apparel industry is North Carolina's largest manufacturing employer, providing employment for more than 300,000 North Carolinians, and for more than two million Americans; and

Whereas, principally because of imports, 40 textile and apparel plants in North Carolina closed or had permanent employment layoffs totalling 7,719 people in 1984; and

Whereas, the American textile and apparel industry has spent in excess of one billion five hundred million dollars ($1,500,000,000) annually, including five hundred fifty-two million dollars ($552,000,000) in North Carolina during fiscal 1983-84, on new and expanded facilities and on state-of-the-art high technology equipment to retain its preeminence in productivity and quality; and

Whereas, international trade in textiles and apparel is totally distorted by foreign government subsidies, dumping, and the protection of home markets by most foreign governments; and

Whereas, United States trade laws and policies have been ineffective in moderating the growth of textiles and apparel imports or of preventing fraudulent shipments of textiles and apparel into this country; and

Whereas, imports of textiles and apparel products increased by thirty-two percent (32%) during 1984 over 1983's record import levels, totaled 9.8 billion square yards, and captured one-third of the United States market; and

Whereas, the nation's record one hundred twenty-three billion dollar ($123,000,000,000) United States merchandise trade deficit for 1984, included a record sixteen billion dollar ($16,000,000,000) deficit for textiles and apparel, an increase of fifty-three percent (53%) over the previous record set in 1983; and

Whereas, the economic interests of North Carolina and the United States and the nation's security require a strong and stable American textile and apparel industry;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The President of the United States and the Congress be encouraged to take prompt and effective action to moderate the growth of textile and apparel product imports.

Sec. 2. That a copy of this joint resolution be transmitted to the President of the United States and to each member of the United States Congress representing North Carolina.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1985.

S.R. 196 **RESOLUTION 5**

A JOINT RESOLUTION HONORING THE CITY OF FAYETTEVILLE ON BEING NAMED AN ALL AMERICA CITY.

Whereas, the City of Fayetteville has been one of the principal municipalities of the State of North Carolina for more than two centuries; and

Whereas, the City of Fayetteville, founded in the 1730's, figured prominently in North Carolina's history during the American Revolution, served as a de facto capital for the State during the federal period, was a military center of vital importance to the country during two world wars, and today is an integrated community prepared to meet the challenges of the twenty-first century; and

Whereas, the citizens of Fayetteville and Cumberland County exemplify the American tradition of people of different races and cultures living and working together successfully to build a better life for everyone; and

Whereas, the City of Fayetteville has overcome the problems that plague all modern cities and revitalized the community by initiating a successful downtown redevelopment plan; and

Whereas, the renewed spirit of Fayetteville is apparent in the restoration of its historical architecture, its deep appreciation of its cultural resources, the many green walks, parks, and pleasant malls laid out for the enjoyment of citizens; and

Whereas, this year the National Municipal League's Citizen Forum on Self Government, recognizing the measures taken by Fayetteville to improve the quality of life for its citizenry named the city an All America City;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina honors the City of Fayetteville for its significant contributions to the history and culture of this State and proudly congratulates the City of Fayetteville on being named an All America City.

Sec. 2. The Secretary of State shall transmit certified copies of this resolution to the Mayor and City Council of the City of Fayetteville.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.

H.R. 707 **RESOLUTION 6**

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 1:30 O'CLOCK P.M. WEDNESDAY, APRIL 24, 1985, AND PROVIDING FOR CONSIDERATION AT THAT SESSION OF CONFIRMATION OF THE GOVERNOR'S APPOINTMENTS TO THE STATE BOARD OF EDUCATION.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Senate and House of Representatives shall convene in joint session in the House Chamber at 1:30 o'clock p.m. Wednesday, April 24, 1985, for the purpose set forth in Section 2.

Sec. 2. The Senate and House of Representatives shall convene in joint session at 1:30 o'clock p.m. Wednesday, April 24, 1985, to consider confirmation of the Governor's appointments to the State Board of Education. On the question of confirmation of each appointee the roll of the Senate shall be called and the vote taken, then the roll of the House shall be called and the vote taken, after which the vote in each house on that appointee shall be tabulated and announced. Approval of a majority of each house shall be required for confirmation. Other proceedings in the joint session shall be governed by the rules of the House of Representatives insofar as those rules are applicable. In the event of failure to confirm one or more appointments, the Governor shall be immediately notified and shall be requested to submit replacement of appointments within two days after receipt of notice of the failure to confirm.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1985.

S.R. 375 **RESOLUTION 7**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RUTH WHETSTONE HOLMES.

Whereas, Ruth Whetstone Holmes, beloved wife of Thomas H. Holmes, devoted mother of Thomas Scott Holmes and Jennifer Holmes Brock, and grandmother of two grandsons, Christopher Daniel Brock and Erikson Scott Brock, after a courageous and inspiring battle against cancer, died on December 20, 1984; and

Whereas, Ruth Holmes maintained a lifelong interest in public affairs of her State and nation by serving in many capacities in the General Assembly; as Committee Clerk in 1967 to Representative Thorne Gregory, Chairman of the House Finance Committee; as Executive Secretary to Speaker of the House Philip Godwin in 1971; as Committee Clerk to Senator Philip Godwin in 1973; as Receptionist from 1973 to 1979; and as Administrative Assistant to Senator W. Craig Lawing during his tenure as President Pro Tempore from 1979 to 1984; and

Whereas, Ruth Holmes touched the lives of those about her through her loyalty, diligence and perseverence, leaving with them enduring

memories of her zest for life, her belief in God and her strength and encouragement to others; and

Whereas, Ruth Holmes is and has been mourned by her countless friends and associates who through the years benefited from her good work, enjoyed her friendship, respected and heeded her wise counsel, and shared and sought to return the love, loyalty, devotion, and kindness she gave;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina expresses its appreciation for the life and accomplishments of Ruth Holmes for her devotion, great courage and determination in serving this body and the people of this State and nation.

Sec. 2. The General Assembly of North Carolina extends its deepest sympathy to the family and friends of Ruth Holmes for the loss of a beloved wife, mother, grandmother, friend and public servant.

Sec. 3. The Secretary of State is directed to transmit a certified copy of this resolution to the family of Ruth Holmes.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1985.

S.R. 414 **RESOLUTION 8**

A JOINT RESOLUTION HONORING HUGH HAMMOND BENNETT, THE FATHER OF SOIL CONSERVATION, AND COMMEMORATING THE FIFTIETH ANNIVERSARY OF THE SOIL CONSERVATION SERVICE.

Whereas, Hugh Hammond Bennett was born on April 14, 1881, near Wadesboro, North Carolina; died on July 7, 1960; and was buried in Arlington National Cemetery; and

Whereas, Hugh Hammond Bennett was born on a farm in an area with severe soil erosion problems and was therefore keenly aware in his childhood and throughout his life of the importance of soil conservation; and

Whereas, 50 years ago North Carolina and the nation were suffering the devastating effects of unchecked erosion, and the landscape of our State and the Southeast was scarred by deep gullies, severely eroded fields, and muddy streams; and

Whereas, Hugh Hammond Bennett led the effort to create a national agency to deal with the erosion problem; and

Whereas, Hugh Hammond Bennett's efforts came to fruition with the enactment of the Soil Conservation Service Act in 1935 and the establishment of the Soil Conservation Service of the United States Department of Agriculture, of which Hugh Hammond Bennett was the first chief; and

Whereas, Hugh Hammond Bennett is recognized as the father and spokesman of the soil conservation movement, both in America and worldwide; and

Whereas, April 27, 1985, marks the 50th Anniversary of the establishment of the Soil Conservation Service and the national soil conservation movement in the United States; and

Whereas, North Carolina's 94 Soil and Water Conservation Districts have been strong leaders in promoting voluntary application of soil and water conservation measures; and

Whereas, North Carolina's soil and water resources need continuing protection from soil loss through erosion; and

Whereas, State and federal agencies, groups, and individuals need to renew their commitment to work together to protect our valuable soil and water resources; and

Whereas, the challenge as we begin the next half century of conservation is to motivate voluntary application of soil and water conservation measures through public awareness and education, demonstrations, and technical assistance;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The North Carolina General Assembly honors the life and memory of Hugh Hammond Bennett, the father of soil conservation, by commemorating April 27, 1985, as the 50th Anniversary of the passage of the Soil Conservation Act of 1935 and the establishment of the Soil Conservation Service of the United States Department of Agriculture. The General Assembly expresses its respect and admiration for Hugh Hammond Bennett's work in the field of soil conservation and expresses its hope that Hugh Hammond Bennett's legacy of soil conservation be nourished and supported by national, State, and local programs that provide technical and financial assistance to land users to help them solve soil conservation problems.

Sec. 2. The Secretary of State shall send a certified copy of this resolution to the family of Hugh Hammond Bennett and to the North Carolina Association of Soil and Water Conservation Districts.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1985.

H.R. 640 RESOLUTION 9

A JOINT RESOLUTION HONORING THE GOLDEN ANNIVERSARY OF THE BLUE RIDGE PARKWAY AND HONORING THE MEMORY OF FRANKLIN D. ROOSEVELT, UNDER WHOSE ADMINISTRATION THE PARKWAY WAS ESTABLISHED.

Whereas, the exceptional area in North Carolina and Virginia known as the Blue Ridge Parkway has drawn millions of visitors to the State of North Carolina since the commencement of its construction in September 1935; and

Whereas, the National Park Service, which is responsible for the maintenance of the 469 miles spanning this scenic byway, has maintained it to a level of perfection that commands respect from park and recreation professionals nationwide; and

Whereas, the Blue Ridge Parkway, the roadside visitor centers along it, and its exhibits thematically address the stories of Appalachian Mountain culture that are the historic foundations of the United States of America; and

Whereas, the beauty of the meadowlands and mountains found along this great route with its panoramas and natural wonders touches our souls and inspires all who pass; and

Whereas, this route of transition has been preserved for 50 years and will continue as a landmark to be enjoyed by all for generations to come; and

Whereas, the Blue Ridge Parkway was commissioned under the administration of Franklin D. Roosevelt;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina pauses to recognize and honor the golden anniversary of the Blue Ridge Parkway.

Sec. 2. The General Assembly of North Carolina honors the memory of Franklin D. Roosevelt, under whose administration the Blue Ridge Parkway was commissioned.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1985.

S.R. 275 **RESOLUTION 10**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES BRANTLEY AYCOCK BROWN - "MR. OUTER BANKS".

Whereas, Charles Brantley Aycock Brown, who died on April 13, 1984, devoted his life to the enrichment of countless other lives, as a newspaperman, a photographer, a civilian intelligence officer for the United States Navy, as a Lay Reader in his church, a devoted husband, and the proud father of two sons and a daughter; and

Whereas, he served his State and especially Coastal North Carolina for more than half a century with kind words and countless photographs that bordered on the side of genial; the subjects of his articles, news releases, and photographs distributed to the world press put North Carolina's Outer Banks on the maps of the world; and

Whereas, for more than three decades much of his time, energy and talent was devoted to the "First in Flight Society" and to publicizing the achievements of the Wright Brothers at Kitty Hawk in 1903; and

Whereas, from 1948 until his death, Aycock Brown did probably more than any other single person to promote tourism in North Carolina's Coastland Country earning him the affectionate nickname of "Mr. Outer Banks";

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina expresses its appreciation for the life and service of Charles Brantley Aycock Brown,

the man affectionately known as "Mr. Outer Banks". The development of the tourism industry on North Carolina's coastal shores stands as a lasting tribute to his successful efforts to publicize its many attractions to the world.

Sec. 2. The General Assembly expresses its sincere sympathy to the family and many friends of Aycock Brown for the loss of this fine public spirited man.

Sec. 3. The Secretary of State shall transmit a copy of this resolution to the family of Charles Brantley Aycock Brown.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1985.

H.R. 1157 **RESOLUTION 11**

A JOINT RESOLUTION TO PROVIDE FOR ENFORCEMENT OF THE EXTENSION OF THE DEADLINE FOR FILING OR INTRODUCTION OF CERTAIN MEASURES.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Legislative Services Office shall not accept between 4:00 p.m. Wednesday, May 15, 1985, and 3:00 p.m. on Friday, May 17, 1985, any requests for the drafting or preparation of bills or resolutions for filing or introduction.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1985.

S.R. 558 **RESOLUTION 12**

A JOINT RESOLUTION PROVIDING FOR JOINT SESSIONS OF THE SENATE COMMITTEE ON COMMERCE AND THE HOUSE COMMITTEE ON PUBLIC UTILITIES TO REVIEW THE GOVERNOR'S APPOINTEES TO THE UTILITIES COMMISSION AND PROVIDING FOR A JOINT SESSION OR SESSIONS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ACT ON CONFIRMATION ON THE APPOINTMENTS MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION.

Whereas, under the provisions of G.S. 62-10 appointments made by the Governor for membership on the North Carolina Utilities Commission are subject to confirmation by the General Assembly in joint session; and

Whereas, three terms of members of the Utilities Commission will expire on June 30, 1985; and

Whereas, the Governor has submitted to the presiding officers of the Senate and the House of Representatives, the names of his appointees to

fill the three terms on the Utilities Commission which will begin July 1, 1985, and expire June 30, 1993;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Senate Committee on Commerce and the House Committee on Public Utilities shall, in joint session if they so desire, review the appointees of the Governor to the North Carolina Utilities Commission for terms which will begin July 1, 1985, and expire June 30, 1993, and shall report their recommendations to a joint session of the Senate and the House of Representatives. The names of the Governor's appointees to be reviewed by the Senate and House committees are: Sarah Lindsay Tate, Robert O. Wells, and Julius A. Wright.

Sec. 2. The Senate and House of Representatives shall meet in the House Chamber in joint session or sessions on a date or dates to be fixed jointly by the President of the Senate and the Speaker of the House, the date of the first such session being not later than June 6, 1985, to receive the reports of their committees and for the purpose of voting on confirmation of the appointments of the Governor if the two houses deem such action appropriate.

Sec. 3. In any joint session of the Senate and the House of Representatives for the purposes set out in Section 2 of this resolution, the roll of the Senate shall be called and the vote taken, then the roll of the House shall be called and the vote taken on the question of confirmation of each appointee, and after each vote the vote in each house shall be tabulated and announced. Approval of a majority of those present and voting of each house shall be required for confirmation. The proceedings in the joint session shall be governed by the rules of the North Carolina Senate insofar as those rules are applicable.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.

S.R. 458 **RESOLUTION 13**

A JOINT RESOLUTION HONORING MATTHEW WILKES BROWN AND RECOGNIZING THE IMPORTANCE OF ORGAN DONATIONS.

Whereas, Matthew Wilkes Brown was born in Hamlet in Richmond County on February 1, 1968, and resided in Moore County before his death on March 27, 1984, the victim of a tragic automobile accident; and

Whereas, Matthew Wilkes Brown attended Pinecrest High School, was a member of the Aberdeen Junior Rescue Squad, the Fellowship of Christian Athletes, and the First Baptist Church of Aberdeen; and was active in numerous school and church activities; and

Whereas, throughout his young life, Matthew Wilkes Brown displayed a deep concern for others and was known as a peacemaker among his peers; and

Whereas, because of his concern for others, Matthew Wilkes Brown decided to register as an organ donor when he received his first driver's license; and

Whereas, upon his death, Matthew Wilkes Brown's heart and both kidneys were transplanted in others, thereby enabling three people to live, and his corneas were also transplanted in others after one served as an essential standby in another eye operation, thereby enabling three people to see; and

Whereas, the need for organs is critical in this country, and hundreds of people in North Carolina and over a hundred thousand people in the United States are in need of vital organs and tissues; and

Whereas, April 21 through 27 was designated National Donor Week by the Congress and the American Council on Transplantation; and

Whereas, Matthew Wilkes Brown is survived by his father, Charles Brown; his mother, Leslie Peek; his stepmother, Elizabeth Brown; his brother Richard David Brown; and his sister, Tammy Lynn Brown; and

Whereas, Matthew Wilkes Brown's life demonstrated that it is not the quantity but the quality of life that is important;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The North Carolina General Assembly honors the memory of Matthew Wilkes Brown and expresses its deepest sympathy to his family. The General Assembly also expresses its admiration for the example of selfless concern set by Matthew Wilkes Brown in deciding to donate his organs so that others might find renewed life and health, and commends the family of Matthew Wilkes Brown for their courage during their son's tragedy and their efforts to encourage others to become organ donors.

Sec. 2. The General Assembly recognizes the vital need in this State and nation for organs for transplants and urges all citizens of North Carolina to follow the example set by Matthew Wilkes Brown.

Sec. 3. The Secretary of State shall send a certified copy of this resolution to the family of Matthew Wilkes Brown.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1985.

H.R. 61 RESOLUTION 14

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM FRANK REDDING III, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, William Frank Redding III, was born in Asheboro, North Carolina, on March 11, 1930, the son of William Frank Redding, Jr., and Viola Sanborn; and

Whereas, William Frank Redding III, attended The University of North Carolina from 1948 to 1952 where he lettered in basketball and obtained his nickname "Smoke"; was a member of Phi Beta Kappa and the Honorary Business Scholastic Fraternity; and from which he was graduated with honors with a Bachelor of Science degree; and

Whereas, William Frank Redding III, after serving in the Air Force, starting a family with Joan Sistrunk Redding, and commencing a

successful business career, entered politics and was elected to the House of Representatives for the first time in 1973 as a Republican representative from Randolph County; and

Whereas, William Frank Redding III, during his first of four terms in the General Assembly was the sponsor of the bill which enabled married couples to file consolidated rather than individual tax forms, thus saving the State of North Carolina and its citizens untold millions of dollars during the last ten years; and

Whereas, William Frank Redding III, was taken suddenly from his family, friends, and colleagues on December 10, 1983; and

Whereas, it is only fitting and proper that the General Assembly of North Carolina honor the life and memory of Frank Redding;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the life, memory, and service of its former member William Frank Redding III and expresses its gratitude for his service to the people of his district and to the people of North Carolina.

Sec. 2. The General Assembly of North Carolina expresses its deepest sympathy to the family of William Frank Redding III for the loss of this loved one and distinguished citizen.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of William Frank Redding III.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1985.

H.R. 781 RESOLUTION 15

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CYRUS ROBY GARNER, SR.

Whereas, Cyrus Roby Garner, Sr., was born December 15, 1906, in Jackson Creek, Randolph County, the son of William Roby and Asenath Ann Spencer Garner; and

Whereas, Cyrus Roby Garner, Sr., graduated from Farmer High School and attended Teachers Training School at Asheboro; and

Whereas, Cyrus Roby Garner, Sr., was an astute and highly respected businessman, president of Garner-Morgan Hardware, and organizer and co-owner of the Piedmont Baseball Camp in Asheboro; and

Whereas, Cyrus Roby Garner, Sr., worked diligently for the good of his community, actively supporting the Red Cross, United Fund, school building programs, American Legion Baseball Club, and other athletic programs; and

Whereas, Cyrus Roby Garner, Sr., also made significant contributions as a member of the Kiwanis Club, Modern Woodmen of the World, and United Travelers of America, and as Boy Scout Institutional Representative; and

Whereas, Cyrus Roby Garner, Sr., was a good man, who loved his church and generously contributed his time, money, and energies to the

church, serving as Sunday School Superintendent from 1952 to 1956 and as a member of the Administrative Board; and

Whereas, Cyrus Roby Garner, Sr., served with great honor and distinction in the North Carolina General Assembly in 1961, 1963, 1965, 1966, 1967, 1969, 1973, and 1974; and

Whereas, Cyrus Roby Garner, Sr., was devoted to his family and considered them his greatest joy; and

Whereas, Cyrus Roby Garner, Sr., is remembered by all as a man of integrity and a servant of the people; and

Whereas, the General Assembly wishes to honor the memory of Cyrus Roby Garner, Sr., and to express its sympathy to his widow, Ora Mae Wright, his daughter Mrs. William Randolph Tyler, and his son Cyrus Roby Garner, Jr.;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the memory of Cyrus Roby Garner, Sr., and expresses the deep gratitude and appreciation of this State and its citizens for his life and service to North Carolina.

Sec. 2. The General Assembly of North Carolina expresses its deep sorrow to the family of Cyrus Roby Garner, Sr.

Sec. 3. A certified copy of this resolution shall be transmitted by the Secretary of State to the family of Cyrus Roby Garner, Sr.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1985.

H.R. 1077 RESOLUTION 16

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FORMER UNITED STATES SENATOR SAMUEL JAMES ERVIN, JR.

Whereas, Samuel James Ervin, Jr., was born in Morganton, North Carolina on September 27, 1896, one of ten children of Samuel James Ervin, Sr., a self-taught lawyer and Laura Theresa Powe; and

Whereas, Samuel James Ervin, Jr., attended the public schools in Morganton, The University of North Carolina at Chapel Hill, and, after a tour of duty in France during World War I during which he was twice wounded and decorated for valor, he attended Harvard Law School; and

Whereas, Samuel James Ervin, Jr., returned to Morganton in 1922 where he married his sweetheart, Margaret Bell, and started a law practice with his father; and

Whereas, Samuel James Ervin, Jr., was elected to represent Burke County in the 1923, 1925, and 1931 Sessions of the General Assembly; and

Whereas, Samuel James Ervin, Jr., was Judge of the Burke County Criminal Court between 1935 and 1937 when he was appointed to the Superior Court by Governor Clyde R. Hoey; and

Whereas, following the death of his brother Joseph W. Ervin in 1945, Samuel James Ervin, Jr., was elected to replace him in the United States

Congress where he took his seat on February 4, 1946, and served for six months; and

Whereas, Samuel James Ervin, Jr., was appointed in 1948 as Associate Justice of the North Carolina Supreme Court where he served until he was appointed to the United States Senate on June 5, 1954, by Governor Umstead to replace Clyde R. Hoey who had died in office; and

Whereas, Samuel James Ervin, Jr., served in the United States Senate until January 3, 1975, when he retired from public service and returned to Morganton; and

Whereas, Samuel James Ervin, Jr., died in Winston-Salem on April 23, 1985; and

Whereas, Samuel James Ervin, Jr.'s wit, knowledge, and character are probably best expressed by some of the statements that he made during his long and illustrious public career:

During a debate in the General Assembly in which he helped defeat a bill that would have prohibited the teaching of evolution in the public schools, he said:

"Such a resolution serves no good purpose except to absolve monkeys of their responsibility for the human race."

In 1961, as Chairman of the Civil Rights Subcommittee of the Senate Judiciary Committee, he said during a filibuster on a civil rights measure:

"We will not fool history as we fool ourselves when we steal freedom from one man to confer it on another."

In describing laws enacted under the United States Constitution, he said:

"The only laws that can be enacted under the Constitution are laws which have an equal impact on all people."

In describing the United States Constitution, he often quoted British statesman William Gladstone, saying:

"The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

On President Nixon's initial refusal to let his aides testify in public before the Senate Watergate Committee, he said:

"Divine right went out with the American Revolution and doesn't belong to White House aides. What meat do they eat that makes them grow so great? I am not willing to elevate them above the great mass of the American people. I don't think we have any such thing as royalty or nobility that exempts them. I'm not going to let anybody come down at night like Nicodemus and whisper something in my ear that no one else can hear. That is not executive privilege. That is executive poppycock."

When President Nixon refused to yield the tapes made in his office, he said:

"As long as I have a mind to think, a tongue to speak and a heart to love my country, I shall deny that the Constitution confers any arbitrary power on any President or empowers any President to convert George Washington's America into Caesar's Rome."

About his retirement, he said:

"When I retired, I told my colleagues, 'I've given you trillions and trillions of dollars of good sound advice, and you've taken about fifteen cents worth of it. So I'm going home'."

Whereas, Samuel James Ervin, Jr., is remembered by the people of North Carolina and America, by the great and the not so great, by the Democrats and the Republicans, some of whom have said:

"He loved the Constitution more than any man alive. He protected it during its time of greatest crisis and helped write history for our State and nation. He will truly be recorded as a towering historical figure. And all North Carolinians will forever be proud of him." - James B. Hunt, Jr.

"A courageous giant has fallen, but America is far better because of his life, his dedication and his unfailing fidelity to principles that deserve to survive." - Jesse A. Helms.

"He was not only a great lawyer and a great judge, but he was a great patriot. The thing that always impressed me about him - you couldn't say he was a conservative, you couldn't say he was a liberal. He always voted how he thought was right." - Joseph Branch.

"People were always very respectful of the way that Senator Sam approached issues with general, genuine good humor. He didn't take himself overly seriously. That's a good standard for those of us in political life to keep in mind, that you take the issues seriously and don't take yourself too seriously." - James G. Martin.

"So many Americans - they'll never know what he did. I think about all those years before Watergate when he was doing the same things: protecting individual freedom, saying military personnel had rights, federal employees had rights...He was responsible for the entire bill of rights for the American Indians." - Rufus L. Edmisten.

"He once told me that religion is the most potent force in the universe. It is not a storm cellar to flee the storms of life. Instead, it is an inner strength that enables us to face the storms with peace and serenity." - Homer T. Rickbaugh, minister.

"He wasn't the type of person to talk down to anyone. The way he talked to an elected official or a senator was the same way he talked to someone...he met at the grocery store or someone he met on the street in Morganton." - Bob Ervin, Samuel James Ervin, Jr.'s grandson.

"He liked to talk about Burke County in the old days; the bootleggers and the characters that we had so many of. He just loved people and liked to talk to them. He knew every farmer, every sawmiller, every walk of life, that man did, and he took interest in them all. He was a true friend. He will be sorely missed." - Glenn Fox, Morganton barber.

Whereas, Samuel James Ervin, Jr., will be sorely missed;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina expresses its appreciation for the life and public service of Samuel James Ervin, Jr., and honors his memory.

Sec. 2. The General Assembly of North Carolina extends its deepest sympathy to the family and friends of Samuel James Ervin, Jr., for the loss of a beloved husband, father, grandfather, and friend.

Sec. 3. This resolution shall become part of the public records of this Session of the General Assembly and a copy of it shall be certified by the

Secretary of State and transmitted to the family of Samuel James Ervin, Jr.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.

H.R. 865 **RESOLUTION 17**

A JOINT RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the University Board of Governors Nominating Committee of the House of Representatives (hereinafter referred to as "the House Committee") to choose at least two nominees for each opening in each category of seats on the Board of Governors of The University of North Carolina to which the House of Representatives is to elect members. It is the duty of the Select Committee on University Board of Governors of the Senate (hereinafter referred to as "the Senate Committee") to choose at least two nominees for each opening in each category of seats on the Board of Governors of The University of North Carolina to which the Senate is to elect members. The House and Senate Committees shall act separately for the purpose of carrying out these duties.

2. The Senate shall vote only upon those nominees in the eight-year at-large category chosen by the Senate Committee or proposed as nominees from the floor of the joint session of the Senate and House of Representatives. The House of Representatives shall vote only upon those nominees in the eight-year at-large category chosen by the House Committee or proposed as nominees from the floor of the joint session of the Senate and House of Representatives.

3. The Senate Committee shall receive suggestions of proposed candidates for nomination for the University Board of Governors through May 22, 1985. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate Committee.

4. The House Committee shall receive suggestions of proposed candidates for nomination for election to the University Board of Governors through May 22, 1985. Any person proposed in writing by any member of the House of Representatives to the Chairman of the House Committee shall be considered as a candidate for nomination by the House Committee.

5. After May 22, 1985, the Senate and House Committees shall meet separately and receive from members of each committee formal proposals

of candidates for nomination. A committee member may propose candidates for nomination only for the categories available for election by the house of which he is a member.

6. The House and Senate Committees shall screen the proposed candidates for nomination proposed to them as to their qualifications and background and may interview each one to make sure that suitable persons are nominated for each category and that each candidate for nomination is willing and able to serve and has no statutory disability.

7. There is no limit on the number of persons a Senator may propose as candidates for nomination. When the proposing process is closed, the Senate Committee shall list all proposed candidates for nomination by category and shall vote "aye" or "no" on each candidate proposed for nomination and listed on the Senate ballot. A vote of a majority of those members of the Senate Committee present and voting shall constitute one a nominee. An individual cannot be a candidate for nomination or be nominated in more than one category.

8. A Representative may propose as candidates for nomination only as many persons as there are places to be filled by the House. When the proposing process is closed, the House Committee shall list all proposed candidates for nomination by category. The House Committee shall vote to determine whether each person proposed shall be placed on the House ballot as a "Recommended Nominee" or a "Nominee". A majority vote of the members of the House Committee who are present and voting shall constitute one a "Recommended Nominee" or a "Nominee", as the Committee shall determine. An individual cannot be a candidate for nomination or be nominated in more than one category.

9. Committee nominees shall be placed before and recommended to a joint session of the House of Representatives and Senate.

II. JOINT SESSION—SELECTION OF NOMINEES.

1. The Senate and House of Representatives shall meet in joint session at 1:30 p.m. on May 29, 1985, for the purpose of nominating persons for election to the Board of Governors of The University of North Carolina. In the joint session of the Senate and House of Representatives, committee nominations shall be made first and then the floor shall be opened for the nomination by any Senator or Representative of persons for election to the Board of Governors. Nominees shall be grouped into the following categories, as required by G.S. 116-6:

(1) Women nominees for eight-year term,

(2) Minority race nominees for eight-year term,

(3) Minority party nominees for eight-year term,

(4) At-large nominees for eight-year term, Senate,

(5) At-large nominees for eight-year term, House of Representatives.

Notwithstanding any provision herein, any person may be nominated in either category 4 or 5 above so long as his (her) name does not appear in more than one category.

2. In proposing a nominee, the nominator shall state the category for which the nominee is being proposed. An individual cannot be proposed in more than one category.

3. There is no limit on the number of persons one Senator may nominate and no limit on the categories for which he may nominate persons in the joint session. In the joint session, a Representative may nominate only as many persons as there are positions to be filled in each category.

4. Names shall continue to be received until the number of nominees is at least twice the number of places to be filled in each category, that is, there shall be nominated a minimum of two women, two Republicans, two racial minority members, four at-large nominees (Senate), and six at-large nominees (House of Representatives), all for eight-year terms.

5. No vote shall be taken on the nominees in the joint session. When the names of all nominees have been received, the joint session shall be dissolved.

6. The Chairman of the House Committee and the Chairman of the Senate Committee shall contact all nominees and ascertain whether they would serve if elected. Any nominee may withdraw his name without the approval of the person who proposed his name. If withdrawals reduce the number of nominees below twice the number of places to be filled in any category, another joint session of the Senate and House shall be held to receive sufficient additional nominations in that category.

III. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the Chairman of the House Committee and the Chairman of the Senate Committee for the use of the Senate.

2. The ballot shall list only those nominees proposed by the Senate Committee who have consented to run and all those nominees proposed from the floor in the joint session who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged (a) by category and (b) within each category, alphabetically by surname.

3. The Senate shall hold its election at the beginning of the daily session on May 30, 1985. Before the voting begins, the President of the Senate shall explain the voting rules, which are:

(i) No nomination will be received from the floor.

(ii) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting for his category.

(iii) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.

(iv) When a member for a category containing a single position is to be chosen and no nominee receives a majority of the votes cast for all the nominees in that category, a runoff shall be conducted between the person receiving the highest and the person receiving the second highest number of votes cast.

(v) When fewer than two nominees in the eight-year at-large category receive the votes of a majority of all members present and voting for positions in that category, a runoff to fill the open position or positions shall be conducted among the nominees receiving the highest number of votes cast, and the number of

nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.

(For the purpose of illustration, if when the first ballot is taken, no nominee receives a majority, then the top four vote getters will be in the runoff, because there must be twice the number of persons in the runoff that there are positions to be filled and the Senate has two such positions to fill. If one person receives the votes of a majority of all members present and voting for that category, then he is elected and a runoff will be held between the two next highest vote getters. This is so because there is one position remaining to be filled and there must be twice the number of nominees in the runoff that there are positions available, therefore two.)

(vi) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees will be included in the next runoff balloting, even though there would thereby be more than two nominees per available position on the Board of Governors.

(vii) When more than two nominees in the eight-year at-large category receive the votes of a majority of all members present and voting for positions in that category, then the two nominees receiving the highest number of votes shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for the following:

Two persons in the at-large category for eight-year terms,

One person in the minority race category for an eight-year term, and

One person in the women's category for an eight-year term.

5. The Chairman of the House Committee and the Chairman of the Senate Committee shall be responsible for canvassing the vote and declaring the results thereof. The number of votes received by each nominee shall not be released.

6. When the Chairman of the Senate Committee and the Chairman of the House Committee have determined that the Senate has chosen one member of the Board of Governors from the minority race category for a term of eight years, one member of the Board of Governors from the women's category for a term of eight years, and two members of the Board of Governors from the at-large category for terms of eight years, the Chairman of the Senate Committee shall make a motion for the simultaneous election of those four persons by the Senate to the indicated positions and for the indicated terms. The roll of the Senate shall then be called electronically. If a majority of those voting shall vote "aye" the persons whose names appear on the list shall be declared to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

IV. ELECTIONS IN THE HOUSE OF REPRESENTATIVES.

1. A ballot shall be prepared under the supervision of the Chairman of the House Committee and the Chairman of the Senate Committee for the use of the House of Representatives.

2. The ballot shall list only those nominees proposed by the House Committee who have consented to run and all those nominees proposed from the floor in the joint session who have consented to run and for whom the House is entitled to vote. Their names shall be arranged (a) by category and (b) within each category, alphabetically by surname. Each person whose name appears on the ballot shall be thereon designated as a "Recommended Nominee" or "Nominee," as the House Committee shall have determined.

3. The House of Representatives shall hold its election immediately after being notified by Special Messenger that the Senate has completed its election. Before the voting begins, the Speaker of the House of Representatives shall explain the voting rules, which are:

(i) No nomination will be received from the floor.

(ii) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting for his category.

(iii) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.

(iv) When a member for a category containing a single position is to be chosen and no nominee receives a majority of the votes cast for all the nominees in that category, a runoff shall be conducted between the person receiving the highest and the person receiving the second highest number of votes cast.

(v) When fewer than three nominees in the eight-year at-large category receive the votes of a majority of all members present and voting for positions in that category, a runoff to fill the open position or positions shall be conducted among the nominees receiving the highest number of votes cast, and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.

(For the purpose of illustration, if when the first ballot is taken, no nominee receives a majority, then the top six vote getters will be in the runoff, because there must be twice the number of persons in the runoff that there are positions to be filled and the House has three such positions to fill. If one person receives the votes of a majority of all members present and voting for that category, then he is elected and a runoff will be held among the four next highest vote getters. This is so because there are two positions remaining to be filled and there must be twice the number of nominees in the runoff that there are positions available, therefore four. If two persons receive the votes of a majority of the members present and voting, both will be elected and a runoff will be held between the two next highest vote getters, because only one position remains to be filled.)

(vi) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees will be included in the next runoff balloting, even though there would thereby be more than two nominees per available position on the Board of Governors.

(vii) When more than three nominees in the eight-year at-large category receive the votes of a majority of all members present and voting for positions in that category, then the three nominees receiving the highest number of votes shall be deemed to have been chosen.

4. The members of the House of Representatives shall proceed to mark their ballots for the following:

Three persons in the at-large category for eight-year terms, and

One person in the minority party category for an eight-year term.

5. The Chairman of the House Committee and the Chairman of the Senate Committee shall be responsible for canvassing the vote and declaring the results thereof. The number of votes received by each nominee shall not be released.

6. When the Chairman of the Senate Committee and the Chairman of the House Committee have determined that the House of Representatives has chosen three members of the Board of Governors from the at-large category for a term of eight years and one member of the Board of Governors from the minority party category for a term of eight years, the Chairman of the House Committee shall make a motion for the simultaneous election of those four persons by the House of Representatives to the indicated positions and for the indicated terms. The roll of the House shall then be called electronically. If a majority of those voting shall vote "aye", the persons whose names appear on the list shall be declared to have been elected.

7. The results of the election in the House of Representatives shall then be sent by Special Messenger to the Senate.

V. NOTIFICATION OF ELECTION RESULTS.

1. When the election process is complete, the Chairman of the Senate Committee and the Chairman of the House Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the General Assembly and the category for which and term for which each of them was elected.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.

H.R. 428 **RESOLUTION 18**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PHILIP O. BERRY, A FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Philip O. Berry was born in Mecklenburg County on August 26, 1940, one of seven children of James Berry and Burdette Clyburn; and

Whereas, Philip O. Berry was graduated as valedictorian from the Plato Price High School in 1957, earned a bachelor's degree in engineering from the University of Nebraska at Omaha in 1965, and earned a certificate from the Carolina School of Banking, The University of North Carolina at Chapel Hill in 1973; and

Whereas, Philip O. Berry became a commercial loan officer at the North Carolina National Bank in 1970 and rose to the position of branch manager, the first black branch manager of a white-owned bank in Charlotte; and

Whereas, Philip O. Berry was elected to the Charlotte-Mecklenburg Board of Education in 1972, becoming the first elected black member and beginning 10 years of service to local education, with five years as Chairman of the Board; and

Whereas, Philip O. Berry was elected to the North Carolina House of Representatives in 1983 and was running unopposed for the North Carolina Senate when he died on October 21, 1984; and

Whereas, Philip O. Berry's life was characterized by high achievement, religious devotion, public service with distinction, and high regard by and for his fellow man;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the life and memory of Philip O. Berry and expresses the deep gratitude and appreciation of this State and its citizens, especially those from Charlotte-Mecklenburg, for his service to North Carolina.

Sec. 2. The General Assembly of North Carolina expresses its deep sorrow at the loss of one of its members and expresses its deepest sympathy to the family of Philip O. Berry.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Philip O. Berry.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1985.

S.R. 143 **RESOLUTION 19**

A JOINT RESOLUTION APPROVING THE STATE PLAN FOR VOCATIONAL EDUCATION.

Whereas, vocational education is an integral part of the educational process; and

Whereas, Section 114 of the Carl D. Perkins Vocational Education Act requires that the State Plan for Vocational Education be submitted to the Legislature for review and comment; and

Whereas, the subcommittees on Vocational Education in the Senate and the House of Representatives have thoroughly reviewed the State Plan and conducted a public hearing on the State Plan; and

Whereas, the General Assembly finds that the provisions of the State Plan are consistent with State law;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The North Carolina General Assembly, having reviewed the State Plan for Vocational Education for fiscal years 1986-88, submitted

to it by the State Board of Education, in cooperation with the State Board of Community Colleges, approves the concept of the plan.

Sec. 2. The Secretary of State shall send a certified copy of this resolution to the State Board of Education.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.

H.R. 868 **RESOLUTION 20**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF G. WILLIE LEE.

Whereas, G. Willie Lee was born in Pleasant Grove Township in west Johnston County in 1889, the son of William Anderson and Edith Ann Carroll Lee; and

Whereas, G. Willie Lee was a successful and well-respected farmer, and his land was located less than a mile from where he was born; and

Whereas, G. Willie Lee was also an inventor whose patented inventions included an automobile jack, a plow attachment for distribution of soda, and a tobacco plow; and

Whereas, G. Willie Lee represented Johnston County in the General Assembly in 1934 and 1935; and

Whereas, G. Willie Lee was sales supervisor for the Smithfield Tobacco Market from 1941 until 1951; and

Whereas, G. Willie Lee was a member of the Cleveland School District Committee and served as chairman of the Cleveland School Board; and

Whereas, G. Willie Lee was married in 1910 to Mary Veleria Stephenson; and

Whereas, G. Willie and Mary Lee ministered to the sick in their community during the influenza epidemics of 1917 and 1918; and

Whereas, G. Willie and Mary Lee joined the Pleasant Grove Baptist Church in 1928; and

Whereas, G. Willie Lee was a deacon of Pleasant Grove Baptist Church, served as superintendent of Sunday school for 27 years, and acted as moderator of the Johnston Baptist Association in 1959 and 1960; and

Whereas, G. Willie Lee was a devoted family man who told his wife he loved her every day of their 72-year marriage and who attributed the success of his happy family to "loving one another and everybody else, having a good time, and having a vision for the future"; and

Whereas, G. Willie Lee died at the age of 96 on April 4, 1985, leaving his son, Silas Poe Lee of Winter Haven, Florida, his daughters, Nellie Audrey Lee Millsaps of Norristown, Pennsylvania, and Ruby Lee Pleasants of Raleigh, 19 grandchildren, and 23 great-grandchildren; and

Whereas, the General Assembly wishes to honor the memory of G. Willie Lee and to express its sympathy to his family;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the memory of G. Willie Lee and expresses the gratitude and appreciation of

this State and its citizens for his life and service to his community and to North Carolina.

Sec. 2. The General Assembly expresses its deep sorrow to the family and friends of G. Willie Lee for the loss of a beloved father and a true friend.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of G. Willie Lee.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1985.

H.R. 1257 **RESOLUTION 21**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HERBERT W. SAMPSEL.

Whereas, Herbert W. Sampsel was born in Middleburg, Pennsylvania, February 12, 1916, the son of Harry Edwin and Laura Shambach Sampsel; and

Whereas, Herbert W. Sampsel graduated from Middleburg High School in Pennsylvania and from Lenoir-Rhyne College in Hickory; and

Whereas, Herbert W. Sampsel served in the United States Army during World War II; and

Whereas, Herbert W. Sampsel joined the faculty of Statesville High School in the late 1940s and taught business, typing, and vocational courses until his retirement in 1981; and

Whereas, Herbert W. Sampsel coached the Statesville High School girls' varsity basketball team for 34 years and led the Lady Greyhounds to an overall record of 580 wins and 102 losses; and

Whereas, during Herbert W. Sampsel's years as coach, the girls' basketball team won 22 regular season regional championships and 13 tournament titles; and

Whereas, in the last season that Herbert W. Sampsel coached, the Lady Greyhounds finished with a record of 25 wins and four losses and advanced to the final round of the State championship; and

Whereas, Herbert W. Sampsel was considered one of the finest high school girls' coaches in the nation; and

Whereas, Herbert W. Sampsel also coached the girls' junior varsity basketball team for seven seasons and the boys' varsity baseball team for more than 20 years; and

Whereas, Herbert W. Sampsel coached American League and Babe Ruth League baseball as well; and

Whereas, when Herbert W. Sampsel retired at the end of the 1980-81 school year, he stated that he had never had a player that he did not have special feelings for; and

Whereas, Herbert W. Sampsel was more than a coach and teacher, he was considered a legend in his own time and he shaped athletes, students, and young leaders through his many years of service; and

Whereas, Herbert W. Sampsel was an active member of the Calvary Community Church in Statesville; and

Whereas, Herbert W. Sampsel died December 15, 1981, leaving his wife, Arbo Gast Sampsel, and five children, Harry Eugene Sampsel of Long Island, New York, Roger Daniel Sampsel of Denver, Colorado, Rebecca Sampsel Hendricks of Statesville, and Herbert William Sampsel, Jr., and Mark James Sampsel, both of the home; and

Whereas, Herbert W. Sampsel was known for his honesty, acceptance of others, fairness, and example of Christian living; and

Whereas, Herbert W. Sampsel was a devoted family man and a true Christian; and

Whereas, Herbert W. Sampsel will always be remembered for his service and commitment to the students of Statesville High School and the people of Statesville; and

Whereas, The General Assembly wishes to honor the memory of Herbert W. Sampsel and express its sympathy to his widow and children;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the memory of Herbert W. Sampsel and expresses the gratitude and appreciation of the people of the City of Statesville and of this State for his life and service to North Carolina.

Sec. 2. The General Assembly expresses its deep sorrow to the family and friends of Herbert W. Sampsel for the loss of a beloved husband and father and a true friend.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Herbert W. Sampsel.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

H.R. 1352 RESOLUTION 22

A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND SENATE TO ELECT MEMBERS OF THE STATE BOARD OF COMMUNITY COLLEGES.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. Pursuant to G.S. 115D-2.1(b)(4)f., the House of Representatives and the Senate shall elect members to the State Board of Community Colleges during the regular sessions of the two houses held on Tuesday, June 18, 1985. At that time the House of Representatives shall elect three members to the State Board, two for a six-year term beginning July 1, 1985, and one for a four-year term, to complete an unexpired term ending June 30, 1989; the Senate shall elect two members to the State Board, each for a six-year term beginning July 1, 1985.

Sec. 2. Each house shall follow the procedure set out in G.S. 115D-2.1 for nomination and election of members of the State Board. With the approval of a majority of those voting, either house may use secret ballots as part of the process of choosing a member, provided the election of the member shall be by electronic voting as required by G.S. 115D-2.1.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.

S.R. 444 **RESOLUTION 23**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. ELLEN BLACK WINSTON.

Whereas, Dr. Ellen Black Winston was born in Bryson City on August 15, 1903; and

Whereas, Dr. Ellen Black Winston was educated in the North Carolina public schools, was graduated from Converse College in Spartanburg, South Carolina, and received her M. A. and PhD in sociology from the University of Chicago; and

Whereas, Dr. Ellen Black Winston worked in the field of social welfare for over 40 years and was one of the most active and dedicated national figures in this field, making numerous contributions in the areas of aging and homemaker-home health aide service; and

Whereas, Dr. Ellen Black Winston served as the North Carolina Commissioner of Public Welfare from 1944 until 1962; and

Whereas, in 1963, Dr. Ellen Black Winston was appointed the first United States Commissioner of Welfare in the Department of Health, Education, and Welfare; and

Whereas, Dr. Ellen Black Winston's service as Commissioner of Welfare included directing the Bureau of Family Services, the Children's Bureau, the Office of Juvenile Delinquency and Youth Development, and the Cuban Refugee Program; and

Whereas, as Commissioner of Welfare, Dr. Ellen Black Winston put the resources of the Welfare Administration behind the development of homemaker services, working with the National Council for Homemaker Services; and

Whereas, Dr. Ellen Black Winston served as Chair of the Governor's Advisory Committee for the 1971 White House Conference on Aging and, at the Conference, chaired both the Section on Facilities, Programs, and Resources, and the special concerns meeting on Homemaker-Home Health Aide Services; and

Whereas, Dr. Ellen Black Winston was a founding member of the National Association of Social Workers and the first recipient of the North Carolina Chapter's annual Social Worker of the Year award; and

Whereas, Dr. Ellen Black Winston also served as Membership Chairman and Chairman of the United States Committee of the International Council on Social Welfare; Vice-President of the International Council of Homehelps; President of the National Council for Homemaker-Home Health Aide Services; President of the National Council on the Aging; Deputy Chairman for the 1981 White House Conference on Aging; and in numerous other positions; and

Whereas, Dr. Ellen Black Winston guided the State Council for Social Legislation, spanning five decades of dedicated service; and

Whereas, Dr. Ellen Black Winston's honors and awards, too numerous to be listed, include honorary degrees from a number of schools including

Duke and The University of North Carolina; the Distinguished Service Award of the United States Department of Health, Education, and Welfare, 1967; the North Carolina Award for Public Service, 1974; and the establishment by North Carolina State University of the Ellen Winston Lecture and Development Fund in Social Work within the Humanities Foundation in 1982; and

Whereas, Dr. Ellen Black Winston wrote a number of books and several hundred articles concerning issues in social welfare policy and legislation, with special focus on public welfare, aging, and in-home service; and

Whereas, Dr. Ellen Black Winston died June 19, 1984, leaving her brother Fletcher Black of Florida; and

Whereas, the General Assembly wishes to honor the memory of Dr. Ellen Black Winston and recognize her many years of public service to the people of this State and of the United States;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina honors the memory of Dr. Ellen Black Winston and expresses the gratitude and appreciation of this State and its citizens for her life and devoted service to North Carolina. The General Assembly pauses to recognize Dr. Ellen Black Winston's unparalleled contributions to the State and the nation in the areas of social welfare, aging, and in-home care.

Sec. 2. The Secretary of State shall send a certified copy of this resolution to the family of Dr. Ellen Black Winston.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1985.

H.R. 686 **RESOLUTION 24**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF A. PAUL KITCHIN.

Whereas, A. Paul Kitchin was born in Halifax County, September 17, 1909, the son of A. Paul and Caroline Coates Kitchin and died October 22, 1983; and

Whereas, A. Paul Kitchin graduated from Oakridge Military Institute; graduated from Wake Forest College, where he was a member of the Kappa Alpha fraternity; and graduated from the Wake Forest College School of Law; and

Whereas, A. Paul Kitchin served the United States Government from 1932 until 1945 as a special agent of the Federal Bureau of Investigation, with responsibility for several major metropolitan offices of the Bureau; and

Whereas, A. Paul Kitchin established a law practice in the town of Wadesboro, where he practiced law with H. P. Taylor, Sr., and H. P. Taylor, Jr., both former distinguished Lieutenant Governors of this State; and

Whereas, A. Paul Kitchin was very active in community affairs as a member of the Rotary Club and the Baptist Church, where he taught Sunday School; and

Whereas, A. Paul Kitchin was a distinguished statesman and orator, an enthusiastic sportsman, and a gentleman whose advice was sought and respected by his peers; and

Whereas, A. Paul Kitchin served with distinction in the United States House of Representatives from 1956 until 1962; and

Whereas, during his term of office in the House of Representatives, A. Paul Kitchin served as the majority whip and as a member of the Armed Services Committee; and

Whereas, A. Paul Kitchin served three years as general counsel to the Senate Judiciary Committee chaired by Senator Sam Ervin before returning to practice law in Wadesboro; and

Whereas, A. Paul Kitchin is one of several members of the Kitchin family to have served our State, including his father A. Paul Kitchin, a member of the North Carolina General Assembly, his uncle W. W. Kitchin, a Governor of North Carolina, and another uncle Claude Kitchin, a United States Congressman; and

Whereas, A. Paul Kitchin is remembered by all who knew him as a man devoted to his family, his community, and to public service for his State and country;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the memory of A. Paul Kitchin and expresses the deep gratitude and appreciation of this State and its citizens for his life and service to North Carolina.

Sec. 2. The General Assembly of North Carolina expresses its deep sorrow to A. Paul Kitchin's widow, Dora Little Kitchin, for the loss of a husband and to his two sons, A. Paul Kitchin, Jr., and Henry L. Kitchin, for the loss of a father.

Sec. 3. A certified copy of this resolution shall be transmitted by the Secretary of State to the family of A. Paul Kitchin.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1985.

S.R. 342 **RESOLUTION 25**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLYDE NOLAN, "MR. DEMOCRAT".

Whereas, Clyde Nolan was born in Cleveland County in 1896, the son of John Beam and Della McBrayer Nolan; and

Whereas, Clyde Nolan and his siblings ran the family farm while their father worked as a school teacher and mail carrier; and

Whereas, Clyde Nolan was known as "Mr. Democrat" because of his life-long service to the Democratic Party; and

Whereas, Clyde Nolan's loyalty to the Democratic Party was based on his dedication to the democratic ideal; and

Whereas, Clyde Nolan served one term as State Senator in 1951-52; and

Whereas, Clyde Nolan served as local campaign manager for numerous candidates including Sam Ervin and B. Everette Jordan; and

Whereas, Clyde Nolan was party precinct chairman for Shelby for 47 years; and

Whereas, Clyde Nolan's service to the Democratic Party also included acting as county party chairman, three-time delegate to the national convention, and member of the State Democratic Party executive committee; and

Whereas, Clyde Nolan also served the party each year by selling the most tickets to the two major party fund raisers: the Jefferson-Jackson Day Dinner, traditionally held in Raleigh in the spring, and the Vance-Aycock Day Dinner, traditionally held in Asheville in the fall; and

Whereas, Clyde Nolan's style of politicking was personal contact; he was friendly, energetic, and compassionate; and

Whereas, Clyde Nolan went into the land business with his father in Shelby in 1924 and was a realtor and owner of J. P. Nolan Co. until his death; and

Whereas, Clyde Nolan was a member of Shelby's First Baptist Church, the Shelby Kiwanis Club, and was a charter member of the Shelby Board of Realtors; and

Whereas, Clyde Nolan died April 4, 1985, leaving his wife, Flora Pettit Nolan of Shelby, and his son, Dr. Clyde Nolan, Jr., of Greensboro; and

Whereas, Clyde Nolan was a devoted family man and a true Christian; and

Whereas, Clyde Nolan believed in people, in Cleveland County, in his family, and in the Democratic Party; and

Whereas, Clyde Nolan's commitment and service to the Democratic Party will never be forgotten; and

Whereas, the General Assembly wishes to honor the memory of Clyde Nolan and express its sympathy to his widow and son;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina honors the memory of Clyde Nolan and expresses the gratitude and appreciation of this State and its citizens for his life and service to North Carolina.

Sec. 2. The General Assembly expresses its deep sorrow to the family and friends of Clyde Nolan for the loss of a beloved husband and father and a true friend.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Clyde Nolan.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.

H.R. 847 **RESOLUTION 26**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ASHLEY MONROE MURPHY, A FORMER MEMBER OF THE GENERAL ASSEMBLY FROM PENDER COUNTY.

Whereas, Ashley Monroe Murphy was born in Atkinson, North Carolina, August 14, 1909, the son of John Alexander Murphy, Sr., and Mary (Campbell) Murphy; and

Whereas, Ashley Monroe Murphy graduated from Atkinson High School in 1926, attended North Carolina State College, The University of North Carolina, and Emory University, and received an A. B. and an LL.B. degree; and

Whereas, Ashley Monroe Murphy was a farmer and an insurance dealer; and

Whereas, Ashley Monroe Murphy gave freely of his time, energy, and talents to virtually all aspects of life in his community - he was a member of Alpha Lambda Tau Social Fraternity, the Elks Club, the American Legion Post No. 165, and the Veterans of Foreign Wars Post No. 9961; he was secretary of the Atkinson Ruritan Club from 1950 to 1952; and he was an educational advisor to the Boy Scouts of America; and

Whereas, Ashley Monroe Murphy was an elder in the Presbyterian Church; and

Whereas, Ashley Monroe Murphy was a friend to education - he was a trustee of The Greater University of North Carolina, a trustee of Pembroke State College and Chairman of the Board of Trustees of The University of North Carolina at Wilmington; and

Whereas, Ashley Monroe Murphy was Director and Vice-President of the North Carolina Agricultural Foundation from 1958 to 1959; and

Whereas, Ashley Monroe Murphy was a loyal Democrat and a member of the State Democratic Executive Committee from 1953 to 1962 and a delegate to the Democratic National Convention in 1956 and 1960; and

Whereas, Ashley Monroe Murphy served the people of the State as a member of the North Carolina House of Representatives from 1953 to 1964 and was Chairman of the Committee on Agriculture for the 1957, 1959, and 1963 Sessions and Chairman of the Committee on Water Resources and Control for the 1961 Session; and

Whereas, Ashley Monroe Murphy also served the people of the State as a member of the State Government Reorganization Commission from 1956 to 1957; and

Whereas, Ashley Monroe Murphy also served the people of the State as a member of the State Highway Commission from 1965 to 1969; and

Whereas, Ashley Monroe Murphy served his country as a sergeant in the United States Army with the 1st Armored Division, 27th F. A., in Africa and Italy, from January 19, 1942, to December 5, 1945; and

Whereas, Ashley Monroe Murphy died on March 16, 1985; and

Whereas, Ashley Monroe Murphy is survived by his wife, Alice Hill Reeves Murphy, whom he married on January 18, 1947, and his daughter, Priscilla Katherine Murphy;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina expresses its deep appreciation for the life and accomplishments of Ashley Monroe Murphy and for the great service he rendered to his country, his State, and his community.

Sec. 2. The General Assembly of North Carolina expresses its deepest sympathy to the family of Ashley Monroe Murphy for the loss of its distinguished member.

Sec. 3. Copies of this resolution shall be certified by the Secretary of State and sent to the family of Ashley Monroe Murphy.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

H.R. 1324 **RESOLUTION 27**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHATHAM CALHOUN CLARK.

Whereas, Chatham Calhoun Clark was born in Bladen County, August 15, 1908, the son of John Marvin and Martha Richardson Lyon Clark; and

Whereas, Chatham Calhoun Clark graduated from Davidson College in 1929, studied Japanese at Yale University in 1945, and attended the School of Far Eastern Affairs with the American Foreign Service; and

Whereas, Chatham Calhoun Clark served with honor and valor in the United States Air Force from 1942 to 1946, attaining the rank of major; and

Whereas, Chatham Calhoun Clark had an early career with the Central Intelligence Agency, then entered the field of radio broadcasting, becoming president of Bladen Broadcasting Corporation of Elizabethtown and also served as director of the Bank of Elizabethtown; and

Whereas, Chatham Calhoun Clark was a man of integrity who was genuinely interested in the people of his community, serving them as a town commissioner, mayor pro tem, and president of the Chamber of Commerce; and

Whereas, Chatham Calhoun Clark, continuing the tradition of leadership established by his family, represented the people of Elizabethtown, Bladen County, and the surrounding area with pride and honor in the General Assembly as a senator in 1961 and as a member of the House of Representatives in 1967; and

Whereas, the General Assembly, the State of North Carolina, and Bladen County lost a much admired and respected friend and colleague;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the memory of Chatham Calhoun Clark and expresses its deep appreciation for his service to the people of this State.

Sec. 2. The General Assembly of North Carolina expresses its sympathy to the family of Chatham Calhoun Clark.

Sec. 3. A certified copy of this resolution shall be transmitted by the Secretary of State to the family of Chatham Calhoun Clark.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.

S.R. 839 **RESOLUTION 28**

A JOINT RESOLUTION HONORING GUY B. PHILLIPS.

Whereas, the late Guy B. Phillips, (1890-1968), devoted his life to quality education for all people of North Carolina; and

Whereas, the late Guy B. Phillips, having served as a Professor of Education at The University of North Carolina at Chapel Hill, a public school teacher and coach, a principal, and a school superintendent, founded and served as Executive Secretary for 21 years of the North Carolina School Boards Association which was organized for the express purpose of strengthening the effectiveness of local boards and the concept of local lay control of our system of free public schools; and

Whereas, the effectiveness of local school boards bears directly on the welfare of public schools in North Carolina; and

Whereas, North Carolina's public schools are governed by local boards of education elected by citizens of local communities; and

Whereas, this year marks the one hundredth anniversary of the creation by the General Assembly of local school boards of education; and

Whereas, for one hundred years, boards of education have represented and have been custodians of the public's interests in our system of universal free public education;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly honors the life and memory of Guy B. Phillips on the centennial anniversary of local lay control of public education through local school boards and by honoring the contributions to public education made by Guy B. Phillips, the General Assembly honors the many contributions made by members of local school boards to the welfare of our children and to our State.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

H.R. 1034 **RESOLUTION 29**

A JOINT RESOLUTION REQUESTING THAT THE 1987 GENERAL ASSEMBLY SHALL MEET FOR A DAY IN THE TOWN OF TARBORO IN HONOR OF THE TWO HUNDREDTH ANNIVERSARY OF THE 1787 GENERAL ASSEMBLY SESSION MEETING IN TARBORO.

Whereas, 1987 will mark the two hundredth anniversary of the 1787 Legislature sitting in Tarboro;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. During the 1987 Regular Session of the General Assembly, it shall convene for a day in the Town of Tarboro, in honor of the two hundredth anniversary of the 1787 General Assembly Session which met in Tarboro. The date shall be set by the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.

S.R. 843 **RESOLUTION 30**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MILES HOFFMAN RHYNE.

Whereas, Miles Hoffman Rhyne, a native of Gaston County and a resident of Wake County, community leader, legislator and banker, died on March 13, 1985, in his seventy-eighth year, after a long and constructive life of community and public service; and

Whereas, Miles Hoffman Rhyne, as a community leader and banker left his imprint on many of the institutions of Gastonia. He was the prime mover behind the construction of the Gastonia YMCA, a leader in the pledge campaign that resulted in its being built, and president of the YMCA Board of Directors from 1959 to 1960; and

Whereas, believing that one centralized campaign could be more effective in raising funds for worthy organizations than for each agency to have its own separate campaign, Miles Hoffman Rhyne was a leader in organizing the United Fund in Gastonia; and

Whereas, Miles Hoffman Rhyne found time in his busy schedule as a banker to serve as president of the Gastonia Chamber of Commerce, Civitan Club, Gaston County Merchants Association, and to serve as senior advisor to the Gastonia Jaycees; and

Whereas, Miles Hoffman Rhyne represented Gaston County in the Senate of the North Carolina General Assembly with honor and distinction in 1961, helping to write the State's first small loan legislation; and

Whereas, Miles Hoffman Rhyne was admired by the members of his community and profession for his integrity, diligence, and expertise and served as president of the National Bank of Commerce in Gastonia, executive vice-president of the Charlotte Office of First Union National Bank, president and chief executive officer of the Lincoln Bank in Van Nuys, California, president of Greenfield State Bank in Bakersfield,

California, and senior vice-president and Raleigh city executive of the Branch Banking and Trust Company; and

Whereas, Miles Hoffman Rhyne also served as a member of the North Carolina Utilities Commission; and

Whereas, in all of his endeavors, Miles Hoffman Rhyne earned the respect of those around him as a banker who could relate to the working man and as a community leader who tended to be modest about his outstanding services to his community, wherever he was living; and

Whereas, it is proper that this General Assembly, in which Miles Hoffman Rhyne served so ably, take note of his eminent contributions to North Carolina and the communities of Raleigh, Wake County, and Gastonia, Gaston County;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Sec. 1. The General Assembly expresses for itself and for the people of North Carolina a deep sense of gratitude for the life and services of Miles Hoffman Rhyne, and a profound respect for his memory.

Sec. 2. The General Assembly offers its deepest sympathy to the family and friends of Miles Hoffman Rhyne.

Sec. 3. The Secretary of State shall send certified copies of this resolution to the members of the immediate family of Miles Hoffman Rhyne.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.

S.R. 842 **RESOLUTION 31**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM FREDERICK FLOYD, A FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, William Frederick Floyd, a native of Tabor City, North Carolina, was born on November 3, 1907; and

Whereas, William Frederick Floyd served in the North Carolina House of Representatives from 1953 to 1957; and

Whereas, William Frederick Floyd was active throughout his life in Columbus County and Whiteville civic affairs, serving as a Columbus County Commissioner for six terms, as the Chairman of the Whiteville City School Board, as a member of the Board of Trustees of the Columbus County Hospital, as a member of the Founders' Board of the Boys' Home of North Carolina, and as a member of the Columbus County Association of Independent Insurance Agents; and

Whereas, William Frederick Floyd was an active member of the First Presbyterian Church of Whiteville, serving as Elder and Deacon; and

Whereas, William Frederick Floyd died on September 22, 1983, at the age of 76;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly expresses its appreciation for the life and public service of William Frederick Floyd and honors his memory.

Sec. 2. The General Assembly extends its deepest sympathy to the family and friends of William Frederick Floyd for the loss of a beloved family member and public servant.

Sec. 3. The Secretary of State shall send a certified copy of this resolution to the family of William Frederick Floyd.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.

H.R. 1402 **RESOLUTION 32**

A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM M. "BUSTER" LENTZ.

Whereas, William M. "Buster" Lentz was Mayor of the City of Lincolnton for more than 21 years; and

Whereas, William M. "Buster" Lentz died February 15, 1982, one of the most beloved and respected citizens of Lincolnton; and

Whereas, William M. "Buster" Lentz generously contributed his many talents, time, energy, and knowledge to the community and people of Lincolnton; and

Whereas, William M. "Buster" Lentz displayed true qualities of leadership as Mayor of Lincolnton by striving to diversify the industry in Lincolnton and Lincoln County, initiating numerous programs for the benefit of the community and responding with concern and action to the needs of the people of Lincolnton; and

Whereas, William M. "Buster" Lentz, during his tenure of office, was instrumental in building a new city hall, fire station, the South Fork Recreation Center and other community facilities for Lincolnton; and

Whereas, William M. "Buster" Lentz through his dedicated service to the community of Lincolnton gained the admiration and respect of all who worked and dealt with him, especially in the textile industry and in municipal government on the local, State, and national levels; and

Whereas, William M. "Buster" Lentz epitomizes the title "Mr. Mayor" for the people of Lincolnton who held him in the highest esteem;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the life and memory of William M. "Buster" Lentz and expresses its deep appreciation for the dedicated service he rendered to his community.

Sec. 2. The General Assembly expresses its tribute to the family of William M. "Buster" Lentz and to the City of Lincolnton, during this

bicentennial year for the City which will be 200 years old on December 14, 1985.

Sec. 3. The Secretary of State shall send certified copies of this resolution to the family of William M. "Buster" Lentz and to the City Clerk of the City of Lincolnton.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.

H.R. 444 **RESOLUTION 33**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES HARRIS LIVENGOOD, JR.

Whereas, Charles Harris Livengood, Jr., distinguished legal scholar and Professor of Law at Duke University School of Law, died in October 1984 at the age of 73; and

Whereas, Charles Harris Livengood, Jr., was born in Durham, North Carolina and graduated with honors from Duke University in 1931 and graduated with honors from Harvard Law School in 1934; and

Whereas, Charles Harris Livengood, Jr., served in the United States Navy during World War II, reaching the rank of Lieutenant Commander, and was decorated for meritorious conduct; and

Whereas, Charles Harris Livengood, Jr., joined the law faculty of Duke University in 1946 and remained on the faculty until his retirement in 1981; and

Whereas, Charles Harris Livengood, Jr., distinguished himself as an expert of national prominence in the field of labor law by teaching at many universities and as an author and as an arbitrator; and

Whereas, Charles Harris Livengood, Jr., donated his time and his expertise to his profession and his community through his service on various committees of the bar association, civic organizations, and his church; and

Whereas, Charles Harris Livengood, Jr., has served the people of North Carolina in great measure through his service on the North Carolina General Statutes Commission as a Member of the Commission from 1966 to 1984, as Vice Chairman of the Commission from 1967 to 1970, and as Chairman of the Commission from 1970 to 1984; and

Whereas, his years of continuous service provided a strong thread of personal continuity so necessary to the effective work of the General Statutes Commission; and

Whereas, through his diligent efforts on behalf of the General Statutes Commission he contributed materially to the growth of a sound body of law in the State of North Carolina;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Charles Harris Livengood, Jr., the State of North Carolina has lost a most able, useful, and loyal citizen.

Sec. 2. That the General Assembly does hereby express its sincere appreciation and gratitude for the life and services of Charles Harris

Livengood, Jr., as a citizen and public servant of North Carolina, and especially for his 35 years of service to the State of North Carolina as a member of the North Carolina Voluntary Arbitration Panel.

Sec. 3. That the General Assembly extends its deepest sympathy to the family of Charles Harris Livengood, Jr., his widow, Mrs. Virginia McClellan Livengood, his son, Dr. Charles H. Livengood III, and to his brothers, Norman Blackwell Livengood and David Johnson Livengood, in their loss.

Sec. 4. That as a concurrent act with the North Carolina Department of Labor, the Library of the North Carolina Department of Labor be designated as the Charles Harris Livengood, Jr., Memorial Labor Law Library.

Sec. 5. That a copy of this resolution shall be certified by the Secretary of State and transmitted to the widow of Charles Harris Livengood, Jr.

Sec. 6. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of July, 1985.

H.R. 1424 **RESOLUTION 34**

A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 1985 GENERAL ASSEMBLY TO RECONVENE IN 1986, AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. At 2:00 p.m., on Thursday, July 18, 1985, the Senate and the House of Representatives shall adjourn to reconvene at noon on the second day after the date set by law for a 1986 second primary. During that session only the following matters may be considered:

(1) Bills directly affecting the State budget for fiscal year 1986-87.

(2) Bills introduced in 1985 and favorably acted upon in the house in which introduced, received in the other house, and not disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading.

(3) Bills implementing the recommendations of study commissions authorized or directed to report to the 1986 Session, except that no constitutional amendment so recommended shall be considered.

(4) Any local bill filed for introduction by 5:00 p.m., on the Wednesday after the 1986 Session convenes and accompanied by a certificate signed by the principal sponsor stating that no public hearing will be required or asked for by a member on the bill, the bill is noncontroversial, and the bill is approved for introduction by each member of the Senate and House whose district includes the local area to which the bill applies.

(5) Selection or confirmation of members of State boards and commissions as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly

upon recommendation of the President of the Senate, President Pro Tempore of the Senate, or Speaker of the House.

(6) Any matter authorized by joint resolution passed during the 1986 Session by two-thirds majority of the members of the House of Representatives present and voting and by two-thirds majority vote of the membership of the Senate. A bill or resolution filed in either house under the provisions of this subsection shall have a copy of the ratified enabling resolution attached to the jacket. Any bill or resolution introduced in either house during the 1986 Session will require the same vote on second and third readings as is required under the rules of the respective bodies for bills introduced after May 15, 1985.

(7) Any bills affecting any State or local pension or retirement system.

(8) Joint resolutions, Senate resolutions, and House resolutions adopted pursuant to Section 5(10) of Article III of the Constitution of North Carolina.

Sec. 2. The President of the Senate and the Speaker of the House may jointly authorize appropriate committees or subcommittees of their respective houses to meet during the interim between sessions to review matters related to the State budget or any other matter as they deem appropriate for the 1986-87 biennium and to prepare reports, including revised budgets, for consideration at the 1986 Session.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

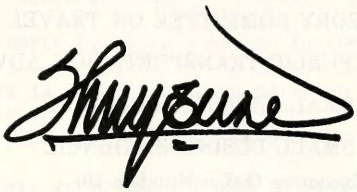
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STATE OF NORTH CAROLINA

DEPARTMENT OF STATE,

RALEIGH, JULY 18, 1985

I, THAD EURE, Secretary of State of North Carolina, hereby certify that the foregoing volume was printed under the direction of the Legislative Services Commission from ratified acts and resolutions on file in the office of the Secretary of State.



Secretary of State

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STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 1

January 31, 1985

WHEREAS, public office in North Carolina must always be regarded as a public trust; and

WHEREAS, the people of North Carolina have a fundamental right to the assurance that officers of their government will not use their public position for personal gain; and

WHEREAS, this Administration is committed to restore and maintain the confidence of North Carolina citizens in their government; and

WHEREAS, there is a need in North Carolina for the creation of an institutionalized procedure designed to prevent the occurrence of conflicts of interest in government and to deal with them when they do occur; and

WHEREAS, this Administration realizes that the vast majority of state government employees are honest and hard working in their public and private lives;

NOW, THEREFORE, it is hereby ordered:

Section 1. Executive Order Number 1, January 10, 1977. Executive Order Number 1, dated January 10, 1977, is hereby rescinded. All records, including but not limited to Statements of Economic Interest, of the North Carolina Board of Ethics created pursuant to said executive order, are transferred to the North Carolina Board of Ethics herein.

Section 2. North Carolina Board of Ethics. There is hereby established the North Carolina Board of Ethics consisting of five persons to be appointed by the Governor to serve at his pleasure. The Governor shall, from time to time, designate one of the members as Chairman. The members shall receive no compensation, but shall receive reimbursement for any necessary expenses incurred in connection with the performance of their duties pursuant to General Statute 138-15. The Board of Ethics shall not be considered a public office for the purpose of dual office holding.

Section 3. Persons subject to Order. The following persons are subject to this order and to the jurisdiction of the Board of Ethics:

(a) All employees in the Office of the Governor.

(b) The heads of all principal departments of state government who are appointed by the Governor.

(c) The chief deputy or chief administrative assistant to each of the aforesaid heads of principal state departments.

(d) All "confidential" assistants or secretaries to the aforesaid department heads (or to the aforesaid chief deputies and assistants of department heads) as defined in G.S. 126-5(b)(2).

(e) All employees in policy-making positions as designated by the Governor pursuant to the State Personnel Act as defined in G.S. 126-5(b)(3), and all "confidential" secretaries to these individuals as defined in G.S. 126-5(b)(4).

(f) Any other employees in the principal departments of state government, except in those principal departments headed by elected heads other than the Governor, as may be designated by rule of the Board subject to the approval of the Governor, to the extent such designation does not conflict with the State Personnel Act.

(g) The members of all commissions, boards and councils appointed by the Governor, with the exception of members of those commissions, boards and councils the Board of Ethics determines perform solely advisory functions.

(h) The elected heads of other principal state departments, and certain employees of those departments as designated by the head, in the event of an election by such department head to participate in the system created by this Order as provided for in Section 8 of this Order.

(i) Members of North Carolina Board of Ethics.

Section 4. Exemption From Order. Notwithstanding Section 3, herein, a commission, board or council to which the Governor appoints members, may upon written application request the Board of Ethics to exempt its members from this Order. The Board of Ethics shall make a determination upon such requests, which shall be final, after a specific finding by the Board that such exemption does not violate the intent of this Order an in no way interferes or conflicts with the proper and effective discharge of the official duties of the members of the commission, board or council making the request. The determination of the Board of Ethics in every such case shall be made available for public inspection at a convenient location.

Section 5. Specific Prohibitions

(a) No person subject to this Order shall engage in any activity which interferes or is in conflict with the proper and effective discharge of such person's official duties.

(b) No person who is employed by the state in a full-time position and who is subject to this Order, shall hold any other public office or public employment for which compensation, direct or indirect, is received except under circumstances and in the manner approved by the Board upon review of a written request pursuant to Board procedures;

(c) No person subject to this Order shall solicit in their official capacity and gratuity or other benefits for themselves from any other person under any circumstances.

Any exception to the foregoing prohibitions granted by the Board, may only be allowed by the Board upon written application to the Board, and after a specific finding by the Board that such activity does not violate the intent of this Order and in no way interferes or conflicts with the proper and effective discharge of the official duties of the person making the request. The Board shall make a determination in each such case, which shall be final. The determination of the Board in every such case shall be made available for public inspection at a convenient location.

Section 6. Statements of Economic Interest.

(a) Within thirty days from commencement of state service or the effective date of this Order, whichever is later, and thereafter between April 15 and May 15 of each succeeding year, each of the following persons subject to this Order shall file with the Board a sworn Statement of Economic Interest:

(i) Each person appointed by the Governor and subject to this Order;

(ii) Each person subject to this Order, whether or not appointed by the Governor, who receives $30,000 or more from the state;

(iii) Each person subject to this Order, irrespective of the amount of compensation received, whose position is subject to undue influence (as determined from time to time by the Board);

(iv) Each person designated by the elected head of a principal department of state government pursuant to Section 8 of this order;

(v) Statements filed by members of the Board of Ethics shall be filed with the Governor and shall be made public.

(b) The Statement of Economic Interest shall contain:

(i) The name, home address, occupation, employer and business address of the person filing.

(ii) A list of all assets and liabilities of the person filing which exceed a valuation of $5,000. With respect to each asset and liability listed, the specific valuation need not be set forth, but there should be an indication as to whether the valuation of each asset or liability exceeds $10,000. This list shall contain, but shall not be limited to, the following:

(A) All real estate, with specific description adequate to determine the location of each parcel;

(B) The name of each publicly-owned company (companies which are required to register with the Securities and Exchange Commission) in which securities are owned, with an indication as to whether the valuation of the securities owned in each company listed exceeds $10,000.

(C) The name of each non-publicly-owned company or business entity in which securities or other equity interests are owned, and an indication as to whether the valuation of the securities or equity interest owned in each such company or business entity listed exceeds $10,000.

(D) With respect to the aforesaid non-publicly-owned company or business entities in which the interest of the person filing exceeds a valuation of $10,000, if any such companies or business entities own securities or equity interests in other companies or business entities, the name of each such other company or business entity should be listed if the securities or other equity interests in them held by the aforesaid non-publicly-owned company exceed a valuation of $10,000.

(E) If the person filing or his or her spouse or dependent children are the beneficiary of a trust created, established or controlled by the person filing, which holds assets, and if those assets are known, the name of each company or other business entity in which securities or other equity interests are held by the trust should be listed, with an indication as to whether the valuation of the securities or equity interest held in each such company or business entity listed exceed $10,000, and with the name and address of the trustee and a description of the trust. If any of the aforesaid assets are securities or other

equity interests in a corporation or other business entity, each such corporation or business entity should be listed separately by name. If the assets held by such a trust and the name and address of the trustee should be provided.

(F) A list of all other assets and liabilities which exceed a valuation of $5,000 (including bank accounts and debts), with an indication as to whether each asset and liability exceeds a valuation of $10,000.

(iii) A list of all sources (not specific amounts) of income (including capital gains) shown on the most recent federal and state income tax returns of the person filing where $5,000 or more was received from such source.

(iv) If the person filing is a practicing attorney, check each category of legal representation in which the person filing, and/or his or her law firm has, during any single year of the past five years, earned legal fees in excess of five thousand dollars ($5,000) from any of the following categories of legal representation:

_____ Criminal law

_____ Utilities regulation or representation of regulated utilities

_____ Corporation law

_____ Taxation

_____ Decedent's estates

_____ Labor law

_____ Insurance law

_____ Administrative law

_____ Real property

_____ Admiralty

_____ Negligence
(representing plaintiffs)

_____ Negligence
(representing defendants)

(v) A list of all business with which, during the past five years, the person filing has been associated, indicating the time period of such association and the relationship with each business as an officer, employee, director, partner or a material owner of a security or other equity interest and indicating whether or not each does business with or is regulated by the state and the nature of the business, if any, done with state.

(vi) In all statements of economic interest after the first one filed by an individual, a list of all gifts of a value of more than $100 received during the twelve months preceding the date of the Statement of Economic Interest from sources other than relatives of the person filing and his or her spouse, and a list of all gifts, of value of more than $50 received from any source having business with or regulated by the state.

(vii) Other information as may be deemed necessary to effectuate the purpose of this Order, as provided for by rule of the Board.

(viii) A statement setting forth any other information or relationship which the person filing believes may relate to any actual or potential conflict of interest he or she may have as an employee of state government.

(ix) A sworn certification by the person filing that he or she has read the Statement of Economic Interest, and that to the best of his or her knowledge and belief it is true, correct, complete and that he or she has not transferred and will not transfer any asset, interest or other property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

(c) The person filing a Statement of Economic Interest shall list as specified in Section 6(b) the assets, liabilities, and sources of income of his or her spouse which are derived from the assets or income of the person filing, controlled by the person filing, or for which the person filing is jointly or severally liable.

(d) Any person required to file a Statement of Economic Interest or his or her spouse may request the Board to delete an item, which may be deleted by the Board pursuant to a written request, but only upon a finding that it is of a confidential nature, does not in any way relate to the duties of the position held or to be held by such person and does not create an actual or potential conflict of interest.

(e) The Board of Ethics shall issue a form for such Statements of Economic Interest, which in no event shall be later than February 15, 1985.

(f) After review and evaluation by the Board, the Statements of Economic Interest will be made available by the Board for public inspection.

Section 7. Duties of Board of Ethics.

(a) The Board shall review all Statements of Economic Interest submitted to it to determine their conformity with the terms of this Order and the Board's rules, and to evaluate the financial interests of the person filing to determine whether there appears to be actual or potential conflicts of interest. The Board shall submit a written report of each such evaluation to the Official responsible for making the appointment of the person filing, and to the Governor, unless the

person is an employee of one of the other principal departments of state government listed in Section 8 of this Order, in which case a copy of the written report shall be sent to the elected head of that department. The Board may recommend remedial action with respect to any problem which is apparent from any Statement.

(b) The Board shall evaluate all claims of privacy made concerning a portion of a Statement of Economic Interest, prior to making the Statement available for public inspection, and the decision of the Board in these matters shall be final.

(c) The Board shall provide by rule for the time, place and manner of convenient public inspection of the Statements of Economic Interest.

(d) The Board shall promulgate readily understandable rules, forms and procedures to carry out the purposes of this Order and shall publish them.

(e) The Board shall render opinions and determinations on matters pertaining to the interpretation and application of this Order.

(f) The Board shall provide reasonable assistance to all persons subject to this Order in complying with the terms of this Order.

(g) The Board shall receive information from the public concerning potential conflicts of interest and make necessary investigations. The Board shall promulgate

rules to protect all employees from specious and unfounded claims and damage to their reputations which could result from such claims. The Board also shall promulgate rules to protect employees from any direct or indirect reprisals from any source resulting from efforts to inform the Board of the existence of potential or acutal conflicts of interest in state government. The Board also shall promulgate rules providing for full and fair consideration of the merits of all complaints received which rules shall assure that the rights of all parties involved in the investigation are protected. All complaints and allegations concerning actual or potential conflicts of interest to be considered by the Board must contain the name, address, telephone number and oath of the individual filing such complaint or making such allegation. The Board shall prepare a report of each such investigation and forward a copy to the official responsible for making the appointment of the person investigated, and to the Governor, unless the person investigated is an employee of one of the other principal departments of state government listed in section 8 of this Order, in which case a copy of the written report shall be sent to the elected head of that department. The Board may recommend remedial action with respect to any problem revealed by such an investigation.

(h) The Board shall request, when necessary to accomplish the purposes of this Order, additional information from persons covered by this Order.

(i) The Board shall meet regularly, at the call of the Chairman, to carry out its duties.

(j) The Board shall submit a report annually to the Governor on their activities and generally on the subject of public disclosure, ethics and conflicts of interest, including recommendations for administrative and legislative action.

(k) The Board shall perform such other duties as may be necessary to accomplish the purposes of this Order.

Section 8. Other Principal Departments of State Government. The elected heads of other principal departments of the state government (Office of the Lieutenant Governor, Departments of the Secretary of State, State Auditor, State Treasurer, Public Education, Justice, Agriculture, Labor and Insurance) and the University of North Carolina Board of Governors may, and hereby are invited to, join in the effort represented by this Order by providing the Chairman of the Board of Ethics with a written notice of their election to have the terms of this Order apply to those employees under their jurisdiction (who are not covered by the State Personnel Act), and with a list of the employees under their jurisdiction who will be asked to submit a Statement of Economic Interest. All services of the Board available to the Governor under this Order shall be available to each of the heads of the aforesaid departments so electing, and all of the services of the Board available to employees under this order shall be available to employees brought within the coverage of this Order in this manner.

Section 9. Sanctions. The failure to any employee to make timely filing of a required document, the making of a false or misleading statement or an omission in a document, the failure to cooperate with the Board of Ethics and the failure to comply with the terms of this Order, shall be grounds for disciplinary action, including discharge.

Section 10. Board Offices. The Board of Ethics and its staff, for administrative purposes only, shall be located in the Department of Administration.

Done in Raleigh, North Carolina, this the 31st day of January in the year of our Lord, one thousand nine hundred eighty-five.



James G. Martin
James G. Martin, Governor
State of North Carolina

Seal of the State of North Carolina

ATTEST:

Thad Eure
Thad Eure Secretary of State
State of North Carolina

State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NO. 2

GOVERNOR'S EFFICIENCY STUDY COMMISSION

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. ESTABLISHMENT

(a) There is established a Governor's Efficiency Study Commission composed of members appointed by the Governor from among citizens in private sector business, industry, and professions of the State.

(b) Thomas I. Storrs of Charlotte shall be Chairman and Gregory Poole, Jr. of Raleigh shall be Vice-Chairman of the Commission.

Section 2. FUNCTIONS

(a) The Commission shall conduct a private sector study of efficiency in the State Government and shall advise the Governor, and other State Government department and agency heads with respect to improving management and reducing costs.

(b) In fulfilling its undertaking the Commission shall make recommendations containing:

1. Opportunities for increased efficiency and reduced costs in State Government that can be realized by Executive action and legislation;
2. Areas where managerial accountability can be enhanced and administrative control can be improved;

3. Opportunities for managerial improvements over both the short and long term;

4. Specific areas where further study can be justified by potential savings; and

5. Information and data relating to governmental expenditures, indebtedness, and personnel management.

Section 3. ADMINISTRATION

(a) The heads of the State departments and agencies shall, to the extent permitted by law, provide to the Commission, its consultants and its staff such information as may be required or desired by the Commission in carrying out the purposes of this Order.

(b) Members of the Commission shall serve without compensation.

(c) The Office of the Governor shall, to the extent permitted by law and subject to the availability of funds, provide the Commission with such facilities, services and other support as it may require for carrying out the purpose of this order.

(d) The Commission shall be funded, staffed and equipped, by contributions received by it from the private sector and without cost to the State government.

Section 4. REPORT OF RECOMMENDATIONS

(a) The Commission will present its recommendations to the Governor and the Office of Budget and Management by no later than September 13, 1985.

Section 5. IMPLEMENTATION

(a) The Office of Budget and Management shall review the recommendations made by the Commission and recommend to the Governor

ways and means for implementing the same. Such recommendations as are approved by the Governor shall be implemented by the Office Budget of Management when, and to the extent, directed by the Governor.

Section 6. PRIOR ORDERS

(a) All prior Executive Orders or portions of prior Executive Orders inconsistent herewith are hereby repealed.

This Order is effective this 12th day of February, 1985.

James G. Martin
Governor

ATTEST:

Thad Eure Secretary of State
State of North Carolina

State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NO. 3

NORTH CAROLINA ADVISORY COUNCIL ON VOCATIONAL EDUCATION

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. ESTABLISHMENT

(a) There is established the North Carolina Advisory Council on Vocational Education, (hereinafter referred to as the "Council") to act as the State Council on Vocational Education in accordance with the requirements of Section 112 of Public Law 98-524 enacted by the United States Congress and known as the "Carl D. Perkins Vocational Educational Act," (hereinafter referred to as the "Act.")

(b) The members of this Council shall consist of those persons appointed by the Governor of North Carolina and certified to the United States Secretary of Education each year, who, to the best of the Governor's knowledge and belief, meet the qualifications specified in the Act.

Section 2. FUNCTIONS

The Council shall meet, select a chairman and perform responsibilities and duties as prescribed by and limited to the requirements of the Act.

Section 3. ADMINISTRATION

(a) The State of North Carolina and all its constituent departments and agencies shall cooperate with the Council including providing appropriate office space and support services to assist the Council in carrying out its duties as specifically set out in the Act, as amended.

Section 4. EXECUTIVE ORDER NUMBER 25 RESCINDED

Executive Order Number 25, dated May 25, 1978, is hereby rescinded. All records of the North Carolina Advisory Council on Education created pursuant to said executive order, are transferred to the Council created herein. The Council herein shall be the successor to the North Carolina Advisory Council on Education.

This Order is effective this twenty-seventh day of March, 1985.



James G. Martin
Governor

ATTEST:

Thad Eure Secretary of State
State of North Carolina

State of North Carolina

JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NO. 4

Recension of Executive Order No. 97
Dated September 7, 1983, Restoring
Review of Disability Procedures

By authority vested in me as Governor by the Constitution and laws of North Carolina it is ordered:

1. Executive Order No. 97 executed on September 7, 1983, is rescinded.

2. Secretary of the Department of Human Resources is directed to end the moratorium on the processing of claims forwarded by the Social Security Administration.

This Order is effective this 10th day of May, 1985.

James G. Martin
Governor

ATTEST:

Thad Eure
Secretary of State
of North Carolina

State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NO. 5

GOVERNOR'S COMMISSION
ON CHILD VICTIMIZATION

The safety of our State's young people is in jeopardy because of the increasing threats of child abuse, neglect and exploitation; and the increasing numbers of runaways, throwaways, parental kidnappings and stranger abductions;

The State of North Carolina must consider strong measures designed to protect our children;

Therefore, by the authority vested in me as Governor by the Constitution and laws of North Carolina, it is ORDERED:

Section 1. ESTABLISHMENT

I hereby establish the Governor's Commission on Child Victimization, which shall be established under the office of the Governor. The Commission shall be composed of at least fifteen and not more than thirty members appointed by the Governor to serve at the pleasure of the Governor. The Governor shall designate one of the members as Chairman. The members appointed by the Governor will be representative of the following areas:

(1) State departments currently involved in education, safety, delinquency prevention and intervention services for children and youth;

(2) Private business and community leaders;

(3) Law enforcement;

(4) The judicial system;

(5) Private citizens or volunteers who have developed or implemented model youth programs within the State.

Section 2. FUNCTIONS

(a) The Commission shall meet regularly at the call of the Chairman, and may hold special meetings at any time at the call of the Chairman or the Governor. The Commission is authorized to conduct public hearings.

(b) The Commission shall have the following duties:

(1) Encourage private sector involvement and help coordinate private groups and business activity in the prevention of the victimization of youth and children.

(2) Coordinate the various state agencies dealing with the victimization of children in order to create an overall program without duplicating effort.

(3) Consider new prevention programs for North Carolina.

(4) Review existing State and local programs in North Carolina which address the prevention of the victimization of children;

(5) Review the General Statutes of North Carolina applicable to children and youth;

(6) Review proposals and model prevention programs in other states;

(7) Other duties as assigned by the Governor.

Section 3. ADMINISTRATION

In support of the Commission, a staff of three will be created:

(a) Executive Director, Public Information Administrator and Administrative Secretary. Funds shall be authorized and made available by the Governor's Crime Commission.

(b) Members of the Commission may be reimbursed for necessary travel and subsistance expenses as authorized by N.C.G.S. 138-5. Funds for reimbursement of such expenses shall be made available from funds authorized by the Governor's Crime Commission.

Section 4. IMPLEMENTATION AND DURATION

(a) This order shall be effective immediately.

(b) The Commission shall dissolve at the pleasure of the Governor, but no later than September 30, 1986.

This Order is effective this twentieth day of May, 1985.



James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina

State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NO. 6

STATE EMPLOYEES' WORK PLACE REQUIREMENTS FOR SAFETY AND HEALTH

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ordered:

Section 1. Establishment

a. There is established a State Employees' Work Place Requirements Program for Safety and Health for North Carolina to meet its loss prevention responsibilities and provide safe and healthful conditions of employment in all areas of the State. Employees subject to the State Personnel Act will be covered by this program as well as those employees exempt from the State Personnel Act.

b. The State Personnel Director is responsible for developing a program which shall include, but not be limited to, concerns for (1) protecting employees from job related injuries or health impairment; (2) preventing accidents and fires; (3) emergency medical procedures and emergency plans; (4) monitoring industrial hygiene, housekeeping and sanitation; and (5) utilizing available resources within State Government and elsewhere to

inform and educate personnel in all areas of preventive health, safety, personal security, personal care, and other individual responsibilities.

Section 2. Functions

a. The State Personnel Director shall develop a comprehensive State Employees' Work Place Requirements Policy and Program for recommendation to the State Personnel Commission on or before September 15, 1985.

b. Upon approval by the State Personnel Commission, the State Personnel Director shall implement and maintain the State Employees' Work Place Requirements Program which will be expanded to cover employees exempt from the State Personnel Act.

c. The State Employees' Work Place Requirements Program shall reflect fundamental safety and health principles. The Program is to be designed to serve as a model to assist agency heads in meeting their legal safety and health responsibilities under General Statutes 95-148.

Section 3. Administration

a. Each agency head shall designate one employee as Safety Officer to be responsible for implementation of the State Employees' Work Place Requirements Program within the agency and development of additional safety and/or health procedures necessary to meet special situations that are unique to a particular agency. The names of these individuals are to be forwarded to the State Personnel Director within 30 days from the date of this order.

b. The State Personnel Director shall be responsible for

establishing lines of communication between the individuals named by the agency heads and forming a "Safety Network" within State Government. The Director shall also be responsible for coordinating needed training and technical assistance with the Occupational Safety and Health Division of the North Carolina Department of Labor, Health Services Division of the Department of Human Resources, North Carolina Industrial Commission and other technical resources of the State.

c. Those agencies with existing safety and health programs and safety staff already in place are to review both sets of regulations to ascertain that the provisions of the State Employees' Work Place Requirements Program are covered by their existing programs, and if not, to make necessary modifications.

Section 4. Reports and Records

a. The State Personnel Director shall communicate with the Governor and the agency heads on the implementation and ongoing results of the Work Place Requirements Program and provide an annual analysis of injury and compensation statistics.

b. In accordance with General Statute 95-148, agency heads shall consult with the Commissioner of Labor regarding record keeping and shall make an annual report to the Commissioner of Labor with respect to occupational accidents and injuries.

Section 5. Prior Orders

All prior Executive Orders or portions of prior Executive Orders inconsistent are hereby repealed.

This Order is effective the 20th day of May, 1985.



James G. Martin
Governor

ATTEST:

Thad Eure, Secretary of State
State of North Carolina

State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 7
WOMEN'S ECONOMIC DEVELOPMENT ADVISORY COUNCIL

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. I hereby create and establish the North Carolina Women's Economic Development Advisory Council. This Council will be composed of at least twelve (12) members who have distinguished themselves by their accomplishments in the private sector. The membership of this Council will, to the extent practical, contain representatives from all major geographic areas of the State. The members of this Council will be appointed by the Governor and will serve at the pleasure of the Governor.

Section 2. The Governor shall designate a Chairman from the membership of the Council. The Council will meet at the call of the Chairman or the Secretary of Administration.

Section 3. The Women's Economic Development Advisory Council will have the duty to thoroughly explore opportunities for women in our economy; carefully evaluate those opportunities; and advise the Secretary of Administration and the Secretary of

Commerce on strategic courses of action, consistent with the State's economic development philosophy, which will best promote and encourage equal opportunity and the advancement and integration of women into all aspects of North Carolina's economy.

Section 4. The Department of Administration shall provide the administrative support for this Council.

Section 5. Members of the Women's Economic Development Advisory Council shall be entitled to reimbursement for subsistence and travel expenses as may be generally authorized for members of State Boards and Commissions.

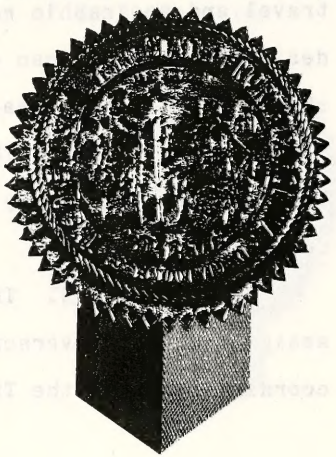
Section 6. This Executive Order is effective immediately and shall remain in effect until June 30, 1987, or unless terminated earlier or extended by further Executive Order.

Done in the Capital City of Raleigh, North Carolina, this the twenty-eighth day of June 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 8
GOVERNOR'S ADVISORY COMMITTEE ON TRAVEL AND TOURISM

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. I hereby establish the Governor's Advisory Committee on Travel and Tourism.

Section 2. The Governor shall appoint at least 15 persons to serve on the Advisory Committee. Those persons appointed shall be representative of the various elements of travel and geographic regions of the state. The Governor shall designate the Chairman of the Advisory Committee. All members shall serve at the pleasure of the Governor.

Section 3. The Committee shall meet on a quarterly basis or as directed by the Governor or the Secretary of Commerce.

Section 4. The Committee shall perform such duties as assigned by the Governor and shall work closely and in coordination with the Travel and Tourism Committee of the North

Carolina Economic Development Board of the Department of Commerce.

Section. 5. While on official business, members of the Committee shall be entitled to such per diem and reimbursement for travel and subsistence as may be authorized for members of State Boards and commissions generally. The Secretary of the Department of Commerce shall provide funds for this purpose.

Section 6. Executive Order Number 46, dated March 14, 1980, is hereby rescinded. All records of the Governor's Advisory Committee on Travel and Tourism created pursuant to said executive order, are transferred to the Advisory Committee created herein. The Advisory Committee herein shall be the successor to the Governor's Advisory Committee on Travel and Tourism.

Section 7. This Executive Order is effective immediately and shall remain in effect until June 30, 1987, unless terminated earlier or extended by further Executive Order.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 9
NORTH CAROLINA PUBLIC TRANSPORTATION ADVISORY COUNCIL

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. There is hereby created and established the North Carolina Public Transportation Advisory Council. The Advisory Council will be composed of twenty-one members: one member from each of the fourteen highway divisions, five at large members, and the Secretary of the Department of Human Resources and the Department of Transportation. The Governor shall appoint the nineteen lay members to serve at the pleasure of the Governor who shall represent a cross section of transportation interests. The Secretary of Transportation shall chair the Advisory Council.

Section 2. The Advisory Council shall have the following duties:

(1) To review and make recommendations to the Interagency Transportation Review Committee concerning guidelines and criteria for the

Review Committee;

(2) To review and make recommendations to the funding agencies concerning project situations when there are unresolved problems between the Review Committee and the applicant or other local interests;

(3) To advise and make recommendations to the Board of Transportation concerning public transportation policy and expenditure of state and federal funds for public transportation; and

(4) To develop transportation policies which are consistent with promoting balanced economic growth.

Section 3. There is hereby created the North Carolina Interagency Transportation Review Committee. The Review Committee will be composed of Representatives from the Departments of Education, Human Resources, Natural Resources and Community Development, and Transportation. The Secretaries of the respective departments shall appoint a representative and an alternate from their departments who shall represent each funding agency. The Director of the Public Transportation Division shall chair the Review Committee.

Section 4. The Review Committee shall have the following duties:

(1) To implement policy and apply criteria as developed by the Advisory Council.

(2) To provide written notice of recommendations based upon review of applications or plans to the appropriate state agency; and

(3) To review all transportation components of applications or plans requesting transportation funding when the funds are administered by a state agency.

Section 5. The Department of Transportation shall provide the planning, technical, and administrative support for the Review Committee and Advisory Council.

Section 6. The Secretary of Transportation, after conferring with the appropriate departmental Secretaries, shall have the final authority on all transportation funding decisions.

Section 7. To further the objectives of this Executive Order, all departments and agencies under the Governor's Jurisdiction shall immediately draft directives and procedures necessary to implement these policies. Such drafts shall be submitted to the Secretary of Transportation for review and approval within 60 days of the signing of this Executive Order.

Section 8. Every agency within State Government within my authority is hereby directed to cooperate with the Council and Committee in providing all necessary information regarding their activities, and to disseminate the departmental directives and procedures within the agency which are necessary to implement this Executive Order.

Section 9. Executive Order Number 29, dated December 6,

1978 is hereby rescinded. All records of the North Carolina Public Transportation Advisory Council created pursuant to said executive order, are transferred to the Council created herein. The Council herein shall be the successor to the North Carolina Public Transportation Advisory Council.

Section 10. This Order shall be effective immediately and shall remain in effect until June 30, 1987, unless terminated earlier or extended by further Executive Order.

Done in the Capital City of Raleigh, North Carolina, this the twenty-eighth day of June, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 10
NORTH CAROLINA SMALL BUSINESS COUNCIL

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. I hereby establish the North Carolina Small Business Council. The Council shall be composed of at least 20 members appointed by the Governor to serve at the pleasure of the Governor. The Governor shall designate one of the members as Chairman.

Section 2. The Council shall meet at least once in each quarter and may hold special meetings at any time at the call of the Chairman, the Governor or the Secretary of Commerce.

Section 3. The members of the Council shall not receive any compensation, per diem, or reimbursement for travel and subsistence expenses for their services.

Section 4. Purposes of the Council. The purposes of the North Carolina Small Business Council are as follows:

(A) To prepare and present recommendations to the

Governor and General Assembly for changes in statutes, rules and regulations, including the State tax structure, which affect small businesses in North Carolina.

(B) To make recommendations to the Governor and General Assembly for new legislation, agency programs and other actions needed to assist small business growth and development.

(C) To assist the Small Business Development Section of the Business Assistance Division of the Department of Commerce in determining the need for programs for small businesses in education, training, marketing, funding resources, technological assistance and related areas.

(D) The Council is authorized to conduct interviews and solicit non-confidential information to carry out the provisions of (A), (B) and (C) above.

Section 5. The Small Business Development Section of the Business Assistance Division of the Department of Commerce shall provide staff and support services for the Council.

Section 6. It shall be the responsibility of each Cabinet Department Secretary to make every reasonable effort for his or her department to cooperate with the North Carolina Small Business Council to carry out the provisions of this Order.

Section 7. The elected heads of the Council of State Departments are encouraged and invited to join in the provisions of this Order. All services of the Council available to the Governor and his Cabinet under this Order shall be available to each of the heads of the Council of State Departments electing to participate.

Section 8. Executive Order Number 51, dated May 16, 1980, is hereby rescinded. All records of the North Carolina Small Business Advocacy Council created pursuant to said executive order, are transferred to the Council created herein. The Council herein shall be the successor to the North Carolina Small Business Advocacy Council.

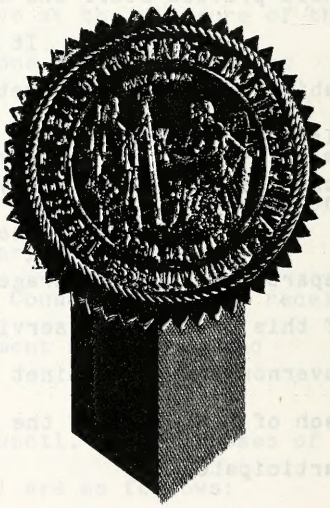
Section 9. This Order shall be effectively immediately and shall remain in effect until June 30, 1987, unless terminated earlier or extended by further Executive Order.

Done in the Capital City of Raleigh, North Carolina, this twenty-eighth day of June, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

AMENDMENT TO EXECUTIVE ORDER NUMBER 10
NORTH CAROLINA SMALL BUSINESS COUNCIL

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. Lines 1 and 2 of Subparagraph (C) of Section 4 of Executive Order Number 10 are amended by deleting the words "Small Business Development Section of the Business Assistance Division" and inserting in lieu thereof "Small Business Development Division" and lines 1 and 2 of Section 5 of Executive Order Number 10 are amended by deleting the words "Small Business Development Section of the Business Assistance Division" and inserting in lieu thereof "Small Business Development Division."

Section 2. This amendment is made because the Business Assistance Division previously described has been replaced by the Small Business Development Division.

This action effective the 25th day of July, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 11
GOVERNOR'S ADVISORY COMMISSION ON MILITARY AFFAIRS

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. I hereby establish the Governor's Advisory Commission on Military Affairs. The Commission shall be comprised of at least twenty-five (25) members appointed by the Governor to serve for a term of two (2) years. Membership shall consist of active and retired military personnel, State and local government officials and local citizens who have an interest in or relationship to the military community. The Governor shall designate one of the members as Chairman.

Section 2. The Commission shall meet regularly at the call of the chairman and may hold special meetings at any time at the will of the Chairman or the Governor or the Secretary of Crime Control and Public Safety. Support staff for the Commission shall come from the Department of Crime Control and Public Safety.

Section 3. The Commission shall have the following

duties:

(a) Provide a forum for the discussion issues concerning major military installations in the State, active and retired military personnel and their families.

(b) Formulate goals and objectives which enhance cooperation and understanding between the military components, the communities, State and local governments, and the general public.

(c) Collect and study information related to supporting and strengthening the military presence within the State.

(d) Review proposed military affairs legislation.

(e) Advise the Governor on measures and activities which would support and enhance defense installations and military families within the State.

Section 4. Executive Order Number 80, dated April 30, 1982, is hereby rescinded. All records of the Governor's Advisory Commission on Military Affairs created pursuant to said executive order, are transferred to the Commission created herein. The Commission herein shall be the successor to the Governor's Advisory Commission on Military Affairs.

Section 5. This Order shall be effective immediately and shall remain in effect until June 30, 1987, unless terminated earlier or extended by further Executive Order.

Done in the Capital City of Raleigh, North Carolina, this the twenty-eighth day of June, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 12
GOVERNOR'S HIGHWAY SAFETY COMMISSION

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. I hereby establish the Governor's Commission on Highway Safety. The Commission shall be composed of at least twelve (12) members appointed by the Governor to serve at the pleasure of the Governor. The Governor shall designate one of the members as Chairman.

Section 2. The Commission shall meet regularly at the call of the Chairman and may hold special meetings at any time at the call of the Chairman, the Governor or the Secretary of Transportation.

Section 3. Members of the Commission shall be reimbursed for such necessary travel and subsistence expenses as are authorized by N.C.G.S. 138-5. Funds for reimbursement of such expenses shall be made available from the Governor's Highway Safety Program.

Section 4. The Commission shall have the following duties:

(a) Establish statewide highway safety goals and objectives.

(b) Review and support proposed highway safety legislation.

(c) Collect, analyze, and distribute information related to highway safety.

(d) Survey public opinion, attitudes, and ideas on highway safety.

(e) Establish innovative highway safety programs and activities.

(f) Advise the Governor on ways to promote highway safety in North Carolina.

Section 5. Executive Order Number 56, dated October 30, 1980 is hereby rescinded. All records of the Governor's Highway Safety Commission created pursuant to said executive order, are transferred to the Commission created herein. The Commission herein shall be the successor to the Governor's Highway Safety Commission.

Section 6. This Order shall be effective immediately and shall remain in effect until June 30, 1987, unless terminated earlier or extended by further Executive Order.

Done in the Capital City of Raleigh, North Carolina, this the twenty-eighth day of June, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 13
NORTH CAROLINA STATE HEALTH COORDINATING COUNCIL

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. I hereby create and establish under the auspices of the Department of Human Resources a new North Carolina Health Coordinating Council whose membership and functions are commensurate with the health planning needs of North Carolina.

Section 2. The North Carolina Health Coordinating council shall have the following duties and functions:

(1) Serve as a forum for hearing regional concerns and recommendations relating to health planning.

(2) Compile a list of state health needs and advise the Department of Human Resources.

(3) Advise the Department of Human Resources on issues related to state health needs, giving attention to local, regional and statewide needs.

(4) Review and comment on contents of documents related to health planning and make recommendations

concerning them to the Secretary of Human Resources and the Governor.

(5) Advise the Department of Human Resources on cost effective mechanisms for achieving health needs.

(6) Advise the Department of Human Resources on the best use and coordination of available resources.

(7) Advise and make recommendations on legislative proposals relating to health needs, including budgetary issues.

Section 3. Membership: The North Carolina Health Coordinating Council shall consist of not more than 23 members who shall be appointed by the Governor as follows:

Academic Medical Centers	1
Area Health Education Centers	1
Business and Industry (at least one individual representing small business and one representing large business)	2
Health Insurance Industry	1
NC Association of County Commissioners	1
NC Health Care Facilities Association	1
NC Hospital Association	1
NC Home Health Care Association	1
NC Medical Society	1
NC House of Representatives	1
NC Senate	1
Other Health Professional Associations (e.g., Nursing, Public Health, Dentistry, Pharmacy, Chiropractic, etc.)	2
Regional Representation (To provide adequate representation to all regions of the State. Emphasis should be on consumers of health care who are involved in health planning efforts at at regional level, such as members of business/ health coalitions or regional health planning councils)	6-8
Veterans Administration (non-voting)	1
Total	23

Section 4. Terms of Membership: The terms of membership of the North Carolina Health coordinating council shall

be staggered so that the terms of approximately one-third of the members shall expire in a single calendar year. Terms shall be staggered in the following manner for the first three years:

seven serving one year
eight serving two years
eight serving three years

After the first three years, each appointment shall be for a term of three years.

Section 5. Vacancies: The Governor shall have the power to remove from office any member of the North Carolina Health coordinating council for misfeasance, malfeasance, or nonfeasance. A vacancy occuring during a term of appointment is filled in the same manner as the original appointment and for the balance of the unexpired term.

Section 6. Travel expense: Members of the Council shall receive necessary travel and substance expenses in accordance with the provisions of G.S. 138-5.

Section 7. Chairman: The Chairman and Vice Chairman of North Carolina Health Coordinating council shall be appointed by the Governor. The term of office for the Chairman and Vice Chairman shall be two calendar years. The Council may elect other such officers as it deems necessary.

Section 8. Meetings: The Council shall meet quarterly and at other times at the call of the chairman or upon written request of at least ten (10) of its members. All business meetings of the Council, its committees and subcommittees or special task forces shall be open to the public.

Section 9. Staff Assistance: The Department of Human

Resources shall provide clerical and other services required by the Council.

Section 10. Executive Order Number 91, dated February 28, 1983 is hereby rescinded. All records of the North Carolina State Health Coordinating Council created pursuant to said executive order, are transferred to the Council created herein. The Council herein shall be the successor to the North Carolina State Heath Coordinating Council.

Section 11. This Order shall be effective immediately and shall remain in effect until June 30, 1987, unless terminated earlier or extended by further Executive Order.

Done in the Capital City of Raleigh, North Carolina, this the twenty-eighth day of June, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina

State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 14
GOVERNOR'S TASK FORCE ON DOMESTIC VIOLENCE

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. I hereby establish the Governor's Task Force on Domestic Violence.

Section 2. The Governor shall appoint at least ten persons as members of the Task Force, who shall be representative of the various professions concerned with this problem, such as the medical, legal, social service, and mental health professions. In addition, the Governor shall appoint as members representatives from the Governor's Crime Commission, the Department of Crime Control and Public Safety, the Department of Justice, the Department of Administration, the Administrative Office of the Courts, the Department of Human Resources, the Department of Public Instruction, and the North Carolina Council on the Status of Women. The Governor shall designate the Chairperson of the Task Force. All members shall serve at the

pleasure of the Governor.

Section 3. The Task Force shall meet on a quarterly basis or as directed by the Governor or Secretary of Administration.

Section 4. The Task Force shall perform such duties as assigned by the Governor and the Secretary of the Department of Administration, and shall work closely with the staff of the North Carolina Council on the Status of Women and the Governor's Crime Commission. The Task Force shall have the following duties:

A. To review and make recommendations for state government to coordinate agency activities in assisting victims of domestic violence;

B. To evaluate and monitor the Domestic Violence Act and other laws in the area;

C. To develop model programs for use by local communities; and

D. To provide community education about domestic violence issues.

Section 5. While on official business, members of the Task Force shall be entitled to such per diem and reimbursement for travel and subsistence as may be authorized for members of State Boards and Commissions generally. The North Carolina Council on the Status of Women shall provide the planning and administrative support for the Task Force.

Section 6. Executive Order Number 55, dated October 27, 1980, is hereby rescinded. All records of the Governor's Task Force on Domestic Violence created pursuant to said executive

order, are transferred to the Task Force herein. The Task Force herein shall be the successor to the Governor's Task Force on Domestic Violence.

Section 7. This Order shall become effective immediately and shall remain in effect until June 30, 1987, unless terminated earlier or extended by further Executive Order.

Done in Raleigh, North Carolina, this twenty-eighth day of June, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 15
JUVENILE JUSTICE PLANNING COMMITTEE

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. The membership of the Juvenile Justice Planning Committee, an adjunct committee of the Governor's Crime Commission, shall consist of twenty three (23) members selected as follows:

(a) The following fifteen (15) members shall serve by virtue of their membership in the Commission:

The two (2) citizens with knowledge of juvenile delinquency and the school system; the two (2) citizens under the age of 21; the representative of a "private" juvenile delinquency program; the citizen appointed at the discretion of the Governor; the judge of district court specializing in juvenile matters; one of the three county commissioners or county officials; one of the three police executives; the Secretary of Crime Control and Public Safety; the Secretary of the Department of Human Resources; the

Superintendent of Public Instruction; the Administrator for Juvenile Services of the Administrative Office of the Courts; the Attorney General and the Director of Youth Services.

(b) The following seven (7) members shall be appointed by the Governor and serve at the pleasure of the Governor:

Representatives of a business group or a business that employs youth; of a private organization that focuses on strengthening the family unit; parent groups; neglected or dependent children and delinquency prevention and treatment; of a local government youth serving agency; and two youth members under the age of twenty-one, and who are or have been under the jurisdiction of the juvenile justice system.

(c) The Chairman of the Juvenile Law Study Commission appointed pursuant to North Carolina General Statute Section 7A-740.

Section 2. This Order shall be effective immediately and shall remain in effect until June 30, 1989, unless terminated earlier or extended by further Executive Order.

Done in the Capital City of Raleigh, North Carolina, this the twenty-eighth day of June, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 16
NORTH CAROLINA COUNCIL ON THE HOLOCAUST

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. I hereby establish the North Carolina Council on the Holocaust. The purpose of the Council is to prevent future atrocities by developing a program of education and observance of the Holocaust.

Section 2. The Council shall consist of not more than 25 members appointed by the Governor to serve at the pleasure of the Governor. The Governor shall designate from among the membership the Chairman and Vice-Chairman.

Section 3. Executive Order Number 63, dated April 29, 1981, is hereby rescinded. All records of the North Carolina Council for the Holocaust created pursuant to said executive order, are transferred to the Council herein. The Council herein shall be the successor to the North Carolina Council on the

Holocaust.

Section 4. This Order shall become effective immediately and shall remain in effect until June 30, 1987, unless terminated earlier or extended by further Executive Order.

Done in Raleigh, North Carolina, this twenty-eighth day of June, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 17
AMERICA'S FOUR HUNDREDTH ANNIVERSARY

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. Executive Order Number 88, dated November 9, 1985, which establishes county committees on America's 400th Anniversary, is hereby extended through and including December 31, 1987.

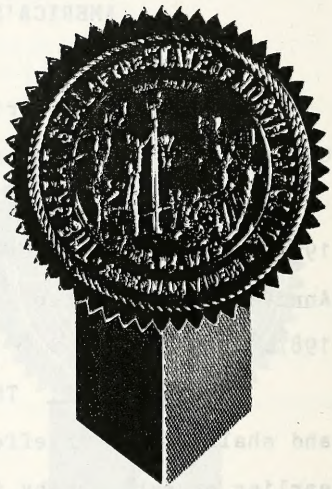
Section 2. This Order shall be effective immediately and shall remain in effect until June 30, 1987, unless terminated earlier or extended by further Executive Order.

Done in the Capital City of Raleigh, North Carolina, this the twenty-eighth day of June 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NO. 18

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the State of North Carolina to provide equal employment opportunities for all state employees and for all applicants for state employment without regard to race, religion, color, national origin, sex, age or handicap.

As an employer, the State has and continues to recognize that efficient and effective government requires the talents, skills and abilities of all available human resources.

Policies have been adopted by the State Personnel Commission and an equal employment opportunity program which emphasizes taking positive measures has been established to assure equitable and fair representation of all of our citizens.

Therefore, by the authority vested in me as Governor by the Constitution and laws of North Carolina, it is ORDERED:

Section 1. EQUAL EMPLOYMENT POLICIES AND PROGRAMS

The State of North Carolina is committed to equal employment opportunity and the equal opportunity program to accomplish total equal employment in and throughout all aspects of its workforce. The policies and programs that have been adopted by the Personnel

Commission represent the commitment of the state and must be complied with fully.

Section 2. ADMINISTRATION

A. Agencies

The head of each agency, department, commission or university is responsible for assuring that these policies and programs are implemented fully and successfully throughout their organizations. Each agency head shall appoint an individual designated as the EEO Officer.

State appointing authorities and other management personnel will take positive measures that are established by the State Personnel Director with approval of the State Personnel Commission to ensure that equal opportunity is available in all areas of employment activities including recruitment, hiring, testing, training, transfer, performance appraisal, promotion, demotion, compensation, termination, layoffs and other terms, conditions or privileges of employment. Such measures shall be undertaken to improve the representation of women, minority group members, handicapped and older persons in and throughout all levels of the state's workforce.

B. Office of State Personnel

The State Personnel Director is responsible for assisting management in achieving equal employment opportunity objectives through: 1) establishing policies, guidelines and programs with the Personnel Commission's approval; 2) evaluating and monitoring program effectiveness; and 3) providing technical assistance and training.

Section 3. REPORTS AND RECORDS

The State Personnel Director shall communicate with the Governor and the agency heads on the implementation and results of the Equal Employment Opportunity program and provide an annual analysis of the program's progress.

Section 4. CITIZEN CONTRIBUTION

The North Carolina Human Relations Council shall advise and assist the Governor and the Office of State Personnel in the implementation of the State's equal employment opportunity program, thereby assuring citizen contributions to the program.

Section 5. VETERANS PREFERENCES

Nothing in this Order shall be construed to repeal or modify any Federal, State, territorial, or local laws, rules or regulations creating special rights or preferences for veterans.

Section 6. PRIOR ORDERS

All prior Executive Orders or portions of prior Executive Orders inconsistent are hereby repealed.

This Order is effective this first day of July, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 19

Governor's Commission for Recognition of State Employees

The State of North Carolina is noted for having loyal, efficient, and dedicated employees who provide valuable services to every citizen of this great State. The State of North Carolina is proud of this tradition of public service and wishes to recognize contributions made by these employees.

Therefore, by the authority vested in me by the Constitution and laws of North Carolina, it is ORDERED:

Section 1. Establishment

a. For the purpose of recognizing our employees, there is created the Governor's Commission for Recognition of State Employees. The Commission shall be composed of five members appointed by the Governor. The Chair of the Commission shall be selected by the Governor. Each member shall be appointed for a term of two years and may be reappointed to the Commission. Appointment to vacancies shall be made by the

Governor for unexpired terms. Initial appointments to the Commission shall expire June 30, 1987.

b. The State Personnel Director or his designee within the Office of State Personnel shall serve as Secretary to the Commission.

Section 2. Duties

The duties of the Commission are:

a. Each year, to recommend to the Governor a week to be proclaimed as North Carolina State Employee Appreciation Week.

b. Each year, to develop and carry out a program for recognizing outstanding employees who shall receive the Governor's Award of Excellence. This program shall include criteria for awards, number of awards, methods of competition and selection, and shall provide for participation by every state department, agency, and institution.

Section 3. Administration

a. The State Personnel Director shall provide administrative and clerical assistance to the Commission in the exercise of their duties.

b. Funds necessary to develop and implement programs of the Commission shall be provided by the Office of State Personnel and participating departments, with cooperation and concurrence by the State Budget Director.

This Order shall be effective and shall remain in effect until rescinded by Executive Order or superseded by legislation.

This order is effective this 7th day of August, 1985.

James G. Martin
Governor

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 20

WELLNESS IMPROVEMENT FOR STATE EMPLOYEES

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ordered:

Section 1. ESTABLISHMENT

a. There is established a program for Wellness Improvement for State Employees to meet State government's responsibility to provide an environment conducive to positive health practices for State employees in all areas of the State. State government, as an organization, provides an excellent vehicle for changing employees' lifestyle positively. Healthy employees and programs that promote their health can help reduce increasing health benefit costs, absenteeism, and decreased productivity. Employees subject to the State Personnel Act as well as those exempt will be covered by this Program.

b. The State Personnel Director is responsible for developing, coordinating, and implementing a program which will include, but not be limited to, concerns for (1) providing a

working environment conducive to optimal health, (2) improving employees' coping skills for occupational and day-to-day demands, (3) improving employees' dietary patterns, (4) improving employees' health through cardiovascular strengthening exercises, (5) focusing on employees' responsibility for his or her own health, and (6) utilizing available resources within State government and elsewhere to inform and educate personnel in all areas of health promotion.

Section 2. FUNCTIONS

a. The State Personnel Director shall develop a comprehensive Wellness Improvement for State Employees (WISE) Policy and Program for recommendation to the State Personnel Commission on or before November 15, 1985.

b. Upon approval by the State Personnel Commission, the State Personnel Director shall implement and maintain the WISE Program which will be expanded to cover employees exempt from the State Personnel Act.

c. The WISE Program will facilitate a combination of educational, organizational, and environmental activities designed to support behaviors conducive to the positive health of employees.

Section 3. ADMINISTRATION

a. Each agency head shall designate one employee as the WISE Program Coordinator to be responsible for implementation of the Program within the agency and development of additional healthful practices necessary to meet special situations and needs that are unique to a particular agency and its employees. In addition, an advisory committee made up of these representatives shall be established. The names of the above-mentioned individuals are to be forwarded to the State Personnel Director within 45 days from the date of this order.

b. The State Personnel Director shall be responsible for establishing lines of communication with the individuals named by the agency heads. The Director shall also be responsible for coordinating needed training and technical assistance with the various resources that have been identified.

c. Existing employee groups already practicing healthful activities within State government, are to be identified and incorporated into the WISE Program.

Section 4. EVALUATION

a. The evaluation will focus on the manner in which program activities are being carried out as well as immediate effects and ultimate outcomes of the Program.

This Order is effective this third day of September, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure Secretary of State
State of North Carolina



State of North Carolina



JAMES G. MARTIN
GOVERNOR

EXECUTIVE ORDER NUMBER 21
STATE FAMILY PLANNING ADVISORY COUNCIL

By the authority vested in me as Governor by the Constitution and laws of North Carolina it is ORDERED:

Section 1. I hereby establish the State Family Planning Advisory Council, to comply with Federal recommendations in accordance with Title X, Public Health Service Act that an advisory body consisting of consumer and agency representatives provide on-going input to the administration of Title X grant funds. The Council shall be advisory to the Family Planning Branch, Division of Health Services, North Carolina Department of Human Resources.

Section 2. The State Family Planning Advisory Council shall consist of not more than 30 members who shall be appointed by and serve at the pleasure of the Secretary of the Department of Human Resources.

Section 3. This Order shall become effective immediately and shall remain in effect until June 30, 1989, unless terminated earlier or extended by further Executive Order.

Done in Raleigh, North Carolina, this third day of October, 1985.

James G. Martin
Governor of North Carolina

ATTEST:

Thad Eure, Secretary of State
State of North Carolina



NUMERICAL INDEX TO SENATE AND HOUSE BILLS

1985 GENERAL ASSEMBLY

FIRST SESSION 1985

Ratified Number refers to the Session Law Chapter number except when preceded by an R, in which case it refers to the Resolution number.

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18	765	100	42	151	302
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28	10	106	717	156	207
29	93	108	63	159	133
32	482	109	64	160	241
34	6	112	101	161	155
36	39	114	148	162	144
37	415	117	65	163	245
38	788	118	94	164	590
39	222	120	127	168	785
43	72	121	111	173	369
50	769	123	223	174	224
51	80	124	112	175	246
55	138	125	638	176	639
56	98	126	505	179	242
57	21	127	164	182	757
58	589	129	100	185	134
59	60	132	81	187	343
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64	R3	135	128	189	185
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191	346	272	571	385	213
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193	370	275	R10	388	593
196	R5	276	249	389	189
199	135	277	389	391	412
202	462	279	667	393	553
203	175	280	390	394	709
204	136	281	217	396	509
206	506	284	372	403	259
207	417	287	507	414	R8
209	212	288	572	416	547
210	243	289	327	418	708
211	225	291	780	419	250
212	161	292	306	420	545
213	498	296	573	428	413
215	156	298	628	429	558
216	766	299	379	430	750
221	640	300	747	433	574
222	168	304	275	435	251
225	409	310	408	440	548
226	641	315	176	441	631
227	624	316	177	442	643
229	303	318	433	444	R23
230	418	319	718	451	510
231	247	320	393	453	511
232	137	322	685	458	R13
233	182	333	307	459	594
234	304	336	208	461	665
235	305	337	781	464	559
236	591	338	592	468	625
237	642	339	410	469	595
238	556	341	244	471	387
241	630	342	R25	479	512
242	194	343	308	489	791
244	569	346	557	496	789
245	169	347	508	507	741
247	193	348	187	509	419
251	371	349	544	512	513
254	195	352	170	515	514
255	196	357	373	521	515
259	570	358	188	536	596
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584	598	636	790	738	666
587	707	644	523	740	496
588	434	645	550	742	527
590	644	647	774	750	629
591	519	658	599	752	627
592	520	659	600	764	601
593	414	663	704	796	602
594	748	671	749	822	528
596	706	673	524	831	551
598	645	690	646	839	R28
599	549	691	561	842	R31
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14	83	111	276	191	43
15	84	112	277	192	20
16	44	113	278	193	669
24	1	114	762	194	349
25	12	115	279	200	115
27	31	116	23	201	103
28	140	119	261	202	55
29	2	120	19	203	36
30	85	121	367	204	211
32	114	124	113	208	16
34	8	129	15	209	37
49	86	133	445	215	670
50	87	134	381	217	49
52	746	135	348	221	50
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61	R14	142	700	225	162
64	120	143	731	226	70
65	4	145	26	227	71
67	106	150	32	230	24
68	5	151	67	231	108
71	260	152	27	233	56
72	173	153	28	234	214
73	88	154	13	235	52
75	45	155	728	236	142
76	66	156	29	237	132
77	668	158	58	239	73
79	14	160	59	241	74
80	18	161	89	242	97
81	218	163	68	244	400
83	107	164	69	246	53
84	30	169	47	247	57
85	603	172	33	249	95
87	432	173	328	250	90
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270	687	382	310	477	171
271	268	383	229	478	235
272	447	386	252	480	294
273	157	390	153	483	197
274	562	393	180	484	282
277	163	394	125	485	604
278	91	395	253	488	786
279	317	396	529	489	466
283	96	397	720	490	352
284	615	402	105	494	353
295	121	404	563	495	183
296	38	412	382	496	354
297	76	414	736	500	647
298	77	415	350	502	295
300	394	419	160	503	355
302	122	421	330	504	283
303	290	422	126	505	198
304	150	423	331	506	318
311	92	424	230	507	429
312	117	425	737	508	209
314	78	427	201	509	334
315	109	428	R18	511	203
324	79	430	231	513	448
326	151	431	232	514	777
330	110	432	420	515	361
334	146	434	351	516	648
335	178	435	143	519	384
336	464	436	437	523	471
337	465	439	233	524	530
342	152	440	332	525	204
343	227	442	721	526	220
344	792	444	R33	529	335
346	219	446	360	532	449
348	775	449	333	533	764
349	123	455	616	534	481
359	124	456	733	535	401
360	269	458	776	536	688
362	228	459	716	537	784
365	309	464	280	538	254
366	165	465	147	546	336
370	158	466	281	547	296
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555	450	624	715	711	402
557	374	625	714	712	649
558	297	626	289	713	660
560	236	627	239	715	403
561	237	628	452	723	221
562	605	630	363	724	486
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570	438	636	453	746	404
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573	564	639	439	752	301
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581	532	642	291	756	319
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583	534	650	340	760	758
584	671	651	485	762	441
586	286	655	713	765	315
588	722	659	422	769	263
589	578	661	395	770	316
590	535	663	206	771	271
591	606	664	440	772	607
592	451	665	658	773	391
593	423	668	292	778	579
594	287	669	364	780	358
598	181	673	300	781	R15
599	255	674	215	783	240
600	179	676	673	784	608
602	272	677	536	787	689
603	338	679	659	788	609
605	172	680	617	789	650
607	375	681	365	791	619
608	787	682	501	792	661
609	311	683	424	794	293
610	312	684	454	796	690
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901	426	1075	458	1266	407
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916	342	1101	770	1311	682
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926	435	1106	611	1321	683
931	635	1110	476	1324	R27
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941	610	1118	753	1333	543
945	738	1129	192	1337	654
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957	662	1131	701	1343	386
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